

103

THE PEACE PROCESS IN EL SALVADOR

Y 4.F 76/1:P 31/17

The Peace Process in El Salvador, 1...

HEARING

BEFORE THE

THE SUBCOMMITTEE ON
WESTERN HEMISPHERE AFFAIRS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

MARCH 16 AND 23, 1993

Printed for the use of the Committee on Foreign Affairs



U.S. GOVERNMENT PRINTING OFFICE

73-936 CC

WASHINGTON : 1993

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-043360-6

03
THE PEACE PROCESS IN EL SALVADOR

4. F 76/1:P 31/17

Peace Process in El Salvador, 1...

HEARING
BEFORE THE
THE SUBCOMMITTEE ON
WESTERN HEMISPHERE AFFAIRS
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
FIRST SESSION

MARCH 16 AND 23, 1993

Printed for the use of the Committee on Foreign Affairs



U.S. GOVERNMENT PRINTING OFFICE

73-936 CC

WASHINGTON : 1993

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-043360-6

COMMITTEE ON FOREIGN AFFAIRS

LEE H. HAMILTON, Indiana, *Chairman*

SAM GEJDENSON, Connecticut
TOM LANTOS, California
ROBERT G. TORRICELLI, New Jersey
HOWARD L. BERMAN, California
GARY L. ACKERMAN, New York
HARRY JOHNSTON, Florida
ELIOT L. ENGEL, New York
ENI F.H. FALEOMAVAEGA, American
Samoa
JAMES L. OBERSTAR, Minnesota
CHARLES E. SCHUMER, New York
MATTHEW G. MARTINEZ, California
ROBERT A. BORSKI, Pennsylvania
DONALD M. PAYNE, New Jersey
ROBERT E. ANDREWS, New Jersey
ROBERT MENENDEZ, New Jersey
SHERROD BROWN, Ohio
CYNTHIA A. MCKINNEY, Georgia
MARIA CANTWELL, Washington
ALCEE L. HASTINGS, Florida
ERIC FINGERHUT, Ohio
PETER DEUTSCH, Florida
ALBERT RUSSELL WYNN, Maryland
DON EDWARDS, California
FRANK McCLOSKEY, Indiana
THOMAS C. SAWYER, Ohio
(Vacancy)

BENJAMIN A. GILMAN, New York
WILLIAM F. GOODLING, Pennsylvania
JAMES A. LEACH, Iowa
TOBY ROTH, Wisconsin
OLYMPIA J. SNOWE, Maine
HENRY J. HYDE, Illinois
DOUG BEREUTER, Nebraska
CHRISTOPHER H. SMITH, New Jersey
DAN BURTON, Indiana
JAN MEYERS, Kansas
ELTON GALLEGLY, California
ILEANA ROS-LEHTINEN, Florida
CASS BALLENGER, North Carolina
DANA ROHRBACHER, California
DAVID A. LEVY, New York
DONALD A. MANZULLO, Illinois
LINCOLN DIAZ-BALART, Florida
EDWARD R. ROYCE, California

MICHAEL H. VAN DUSEN, *Chief of Staff*

MICHELE A. MANATT *Professional Staff Member*

ABIGAIL ARONSON, *Staff Associate*

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

ROBERT G. TORRICELLI, New Jersey, *Chairman*

ROBERT MENENDEZ, New Jersey
JAMES L. OBERSTAR, Minnesota
CYNTHIA A. MCKINNEY, Georgia
PETER DEUTSCH, Florida
ALBERT RUSSELL WYNN, Maryland

CHRISTOPHER H. SMITH, New Jersey
ILEANA ROS-LEHTINEN, Florida
CASS BALLENGER, North Carolina
ELTON GALLEGLY, California

VICTOR C. JOHNSON, *Staff Director*

DOROTHY TAFT, *Republican Professional Staff Member*

LARRY McDONNELL, *Professional Staff Member*

RICHARD NUCCIO, *Professional Staff Member*

PATRICIA WEIR, *Professional Staff Member*

CONTENTS

Page

WITNESSES

TUESDAY, MARCH 16, 1993

President Belisario Betancur, United Nations Truth Commission for El Salvador	4
Dr. Reinaldo Figueredo, United Nations Truth Commission for El Salvador	6
Professor Thomas Buergenthal, United Nations Truth Commission for El Salvador	9
Schafik Jorge Handal, general coordinator, Faribundo Marti Liberation Front of El Salvador; accompanied by Salvador Samayoa and Ana Maria Guadalupe Martinez, Faribundo Marti Liberation Front of El Salvador	26

TUESDAY, MARCH 23, 1993

Harold Johnson, Director, International Affairs, National Security and International Affairs Division, U.S. General Accounting Office; accompanied by Nancy T. Toolan and Daniel Ranta, U.S. General Accounting Office	41
Cheryl Morden, associate director for Development Policy, Church World Services and Lutheran World Relief	55

APPENDIX

Prepared statements:	
Congressman Robert G. Torricelli (March 16, 1993)	67
President Belisario Betancur	68
Schafik Jorge Handal	74
Congressman Robert G. Torricelli (March 23, 1993)	77
Harold Johnson	78
Cheryl Morden	104
Commission on the Truth of El Salvador Summary Report	113
Table of El Salvador's National Reconstruction Plans: Indications of Bilateral and Multilateral Support from the March 23, 1992 Consultative Group Meeting	121
Graphs of Murders and Disappearances in El Salvador from the Truth Commission Report	123
Message to El Salvador by President Alfredo F. Cristiani, March 18, 1993	126
Original and Revised Funding Allocations for the Agency for International Development's Five-Year Peace and Recovery Project in El Salvador	128

THE PEACE PROCESS IN EL SALVADOR

TUESDAY, MARCH 16, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to call, at 2:20 p.m. in room 2200, Rayburn House Office Building, Hon. Robert G. Torricelli (chairman of the subcommittee) presiding.

Mr. TORRICELLI. The committee will please come to order.

We meet today to bear witness to another milestone in the long and tragic history of war in El Salvador. Today we receive the report of the Commission on Truth. The mandate of the Commission was to seek, to find and to make public the truth about acts of violence committed on both sides of the long and bloody war in El Salvador.

The Commission sought to fulfill the Biblical teaching that "the truth shall make you free", knowing that, indeed, the nation would never come to rest and could never build a real and lasting peace unless there was some answer to the 75,000 lives that were lost during the course of the struggle.

These terrible crimes committed against tens of thousands of Salvadorans are cause for great shame. Just as certainly the commitments of all sides of that conflict and the settling of the war are cause for great pride. The fact that we can speak of peace in El Salvador is a tribute to many people but none more than the father of that peace, Alfredo Cristiani, for bringing together disparate interests in El Salvador. He has managed to bring his troubled country at long last to peace.

The members of the Political Commission of the FMLN are here to testify today as partners in that struggle for peace. It is to their eternal credit as well, they were prepared to lay down their weapons and come forward within a political process knowing that at all times they did so at great risk to themselves and their families.

TORTURE IN EL SALVADOR

But, indeed, everything in this report does not concern only El Salvador nor will my comments this afternoon be limited to questions of the Salvadoran Government. Introductory comments before a hearing by any subcommittee chairman are usually, by definition, limited and mild. This afternoon I will not pretend that mine are either. Rarely as a Member of this institution have I been more personally offended or betrayed than—after so many years and so many hearings, listening to so many administration witnesses dis-

cuss the knowledge of the U.S. Government and the view of successive administrations about the murder and the torture and the death in El Salvador—to learn of your findings about the war in El Salvador.

REAGAN ADMINISTRATION COUNTENANCES HUMAN RIGHTS VIOLATIONS

In a gesture of good faith and in the belief that it would contribute to peace, this Congress established a process whereby President Reagan would certify that progress was being made in respecting human rights. As a reaction to that certification, this Congress would provide military assistance to fight the war in El Salvador.

It is now abundantly clear that Ronald Reagan made those certifications not only in disregard of the truth but in defiance of it. Members of his administration came forward to this Congress and swore that they had no knowledge of acts of violence. Peace was being restored and rights respected. It was a lie.

And while the consequences for the people of El Salvador were tragic, the ramifications on this institution and the operations of the U.S. Government are not yet fully known. El Salvador will not be the last war where the United States plays a role. A process has been poisoned where an American President pledges in good faith to be an arbiter of events, to make a certification to Congress based on the knowledge of his administration so that in good faith we can take a foreign policy position. No future Congress, based on what we now know about the credibility of those certifications, could ever establish such a process again.

People of good will could have differed about what position the U.S. Government should or should not have taken in El Salvador. The deceit and betrayal which led this Congress to invest our Nation's fortune and honor in that conflict in the blind belief that we were being told the truth is a shameful chapter in American foreign policy.

There is no way to find all of those who suffered, those who were victims of the abuse which might have been stopped if we had known earlier the complicity with which military forces were engaged in this human slaughter. There is only to say that that is not our country.

CONGRESS IS DECEIVED

Approving that assistance was not done so knowingly by this Congress. If we were to do it again, that would not be our choice.

Gentlemen, thank you for being with us today. This is an important part of the work of this subcommittee. For 10 years we took testimony on the war in El Salvador. In one respect you present its final chapter with regard to the truth about what happened in El Salvador.

I can only conclude by saying to those who served in those administrations who today find themselves in retirement around America that this may be the last hearing on events in El Salvador, but if you served in a previous American administration and if you testified before this Congress that you had no knowledge of events, that you were unaware of the killing, the torture and if that proves to be a lie, you better not have said it under an oath.

This committee will review every word, every sentence ever uttered by every official of the Reagan administration who came before this committee and swore about events. When we are concluded we had best find that either it was done without knowledge or there was an omission in the providing of an oath.

[The prepared statement of Chairman Torricelli appears in the appendix.]

Mr. Smith.

Mr. SMITH. Thank you very much Mr. Chairman.

With the release of the Truth Commission report yesterday at the United Nations, this hearing provides our subcommittee a good opportunity to focus on their findings and the future of El Salvador. We have before us, Mr. Chairman, three distinguished authors of that report, three men who are clearly champions of human rights and of the truth.

EL SALVADOR SCARRED BY HORRORS OF WAR

The world is clearly indebted to you three gentlemen for your findings, for your careful investigation and for your analysis. With approximately 75,000 Salvadorans dead in 12 years of civil war, not to mention the hundreds of thousands of Salvadorans who have been dislocated or moved away, the memories of slaughter, torture and intimidation are strong and the scars run deep.

El Salvador was the scene of gruesome mass murders, a military acting with impunity and guerrillas committing their share of extrajudicial killings and assassinations. The atrocities committed mar the character of both the Salvadoran military and security forces, and the armed guerrillas.

With only 6 months to investigate and complete their report of human rights abuses in El Salvador over the period from 1980 to 1992, obviously the Commission was not able to be exhaustive. They documented more than 7,350 cases of violence, and elected to highlight a number of well-known or typical cases. Though not complete, the Commission found the Salvadoran military responsible for as many as 4,300, and the security forces involved in another 1,600 acts of violence, and more than 800 killings committed by the infamous death squads. FMLN is implicated in nearly 400 killings and more than 300 disappearances.

As noted by the Commission, individuals are responsible for their actions, and I think it is highly appropriate that the Commission pointed to specific perpetrators. It names names, whether they be the persons carrying out the order or the intellectual mastermind behind the violence.

COMMISSION RECOGNIZES NEED FOR RECONCILIATION

I have been struck by the Commission's recognition of the ultimate "end use" of the findings. Not only must the truth be identified, national reconciliation must, they argue, be accompanied with a sense of forgiveness. Family and friends of the victims must reconcile—that is a frame of mind that I fear, for obvious reasons, will be easier said than done. The Commission noted "justice demands punishment for the violations of human rights" and they made a strong case for judicial reform prior to initiating legal action against the abuses.

With the resignation last Friday of the Minister of Defense, one of those implicated in the Commission report, the Government of El Salvador has a unique opportunity to take steps to purge certain officers and promote a civilian head of the military.

CRISTIANI EXERTS LEADERSHIP

I want to take this opportunity to commend the dedication of President Cristiani for getting to the root of the human rights abuses, which have plagued his country. Without his leadership in bringing his government and the leadership of the FMLN back again to the peace table and the will of the Salvadorans themselves, I am certain progress of this kind would not have been possible.

For a country racked with 12 years of civil war, this is a critical period in the history of El Salvador.

This hearing today is about the healing process. While it is true, as Santayana wrote, "those who cannot remember the past are condemned to repeat it"; the Salvadorans must decide what prescription is most suitable. I believe the United States must support national healing and maintain our focus on relations and programs which encourage national reconciliation.

I want, again, to thank our fine witnesses for their support and work.

Mr. TORRICELLI. Mr. Ballenger.

Mr. BALLENGER. As an individual who has visited El Salvador many years, going back at least 25 years, it is unfortunate that a place so beautiful as El Salvador could be involved or get involved in a contest between the two great powers at the time in the 1980's and, therefore, cause unbelievable deaths and murders, et cetera.

I happen to have been in El Salvador before this all occurred. There was a revolution there. A Taylor Cub flew over the downtown of El Salvador and someone threw out a hand grenade out. That was the ultimate end their civil war at that time. That was before the great powers who seemed to be involved in pointing the world to their own direction came up and armed the people there to fight against each other.

I would like to say that having been involved as much as I have in El Salvador, at long last it is wonderful to see peace develop there between the two sides. I hope that the effort that was put out by this committee here, this investigative committee, will at last bring peace and quiet. As President Cristiani said in his speech last week, that we can forget and forgive the past and try to live for the future.

Thank you very much.

Mr. TORRICELLI. Thank you, Mr. Ballenger.

Mr. Betancur, Mr. Figueredo and Professor Buergenthal, we are honored. Thank you for being with us today.

STATEMENT OF HIS EXCELLENCY BELISARIO BETANCUR, PRESIDENT, COMMISSION ON TRUTH; ACCOMPANIED BY DR. THOMAS BUERGENTHAL AND MR. REINALDO FIGUEREDO

Mr. BETANCUR [through translator]. Good afternoon Mr. Chairman, distinguished members of the committee.

On behalf of the Truth Commission and the peace process in El Salvador, I thank you for this honor. Your kind invitation has made it possible for us to present to you the report which we delivered yesterday to the Secretary General of the United Nations, to the representative of President Cristiani and to a representative of the FMLN.

It also gives us an opportunity to comment on the current situation in El Salvador and the prospects for its future.

TRUTH COMMISSION CATALOGUES PATTERNS OF VIOLENCE

As you are aware, the Truth Commission was created by the general 1992 agreements signed in Mexico City. It has worked for more than 8 months with a staff of many nationalities, and during these months of study and research has drawn up a document consisting of about eight chapters devoted to the discharge of its mandate.

They included the 12 years of war and an analysis of 32 cases of violence and the patterns of violence that emerged from it. Among other things the report also identifies the persons responsible for these acts. It ends with a chapter of recommendations, an epilogue and two volumes of appendices.

I would ask for your permission, Mr. Chairman, to allow us to submit for the record the introductory chapter and the chapter containing our recommendations, as well as any other sections of the report you might deem appropriate.

ECONOMIC AID TO EL SALVADOR

With reference to the interest you expressed in your invitation on hearing our views on economic assistance for El Salvador, a subject your committee will be considering in the next few months, we applaud your interest in providing this important aid to a people who chose to renounce the instrument of war in favor of efforts to reach a consensus to find solutions for social injustice.

All Salvadorans are feeling triumphant today. The fundamental value for which each in his or her own way fought has prevailed. The valiant people of El Salvador have earned the admiration and support of the free world. That is why we applaud any aid that the committee may provide, including the resources needed to set up a fund to compensate the victims in the conflict as set forth in our chapter on recommendations.

We would have liked to have included a greater number of cases of violence. However, the Commission chose to concentrate on only those events on which we had received sufficient supporting documents and evidence to enable us to faithfully uphold our criteria of objectivity and equality as we indicated at the outset of our task upon our arrival in El Salvador.

With your permission, Mr. Chairman, I would now ask my colleague, former Foreign Minister Reinaldo Figueredo to read the statement on behalf of the three members of the Truth Commission.

Thank you very much, Mr. Chairman, and members of the committee.

Mr. TORRICELLI. Thank you, Mr. Betancur. Dr. Figueredo.

STATEMENT OF REINALDO FIGUEREDO

Mr. FIGUEREDO. Good afternoon, Mr. Chairman. It is a privilege for the members of the Truth Commission for El Salvador to appear before this subcommittee to present the Commission's report to you and members of the subcommittee for its inclusion in the official record of these hearings. We are particularly honored that you requested our appearance just one day after the Secretary General of the United Nations made the Commission's Report public, for it underscores the importance the Peace Accords place on the need for the widest possible dissemination of the results of its investigation.

TRUTH COMMISSION MANDATE: INVESTIGATE "SERIOUS ACTS OF VIOLENCE"

The parties to the Salvadoran Peace Accords, the Government of El Salvador and the FMLN, under the auspices of the Secretary General of the United Nations, asked us to investigate "serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth."

The Commission received direct testimony from 2,000 sources relating to 7,000 victims and information from secondary sources relating to more than 18,000 victims. But as the Peace Accords gave it only 6 months to examine the long history of violence endured by El Salvador during its brutal civil war, the Commission concentrated its limited resources on the most notorious cases of violence, committed by both sides to the conflict, as well as those cases that formed part of a broader, systematic pattern of abuse.

All witnesses who requested it were guaranteed confidentiality to protect their lives and encourage frankness. Based on the number of corroborating accounts and other evidence in a particular case, the Commission used three levels of certainty in reaching its conclusions: overwhelming evidence, substantial evidence, and sufficient evidence.

The testimony of a single witness or other single source, no matter how compelling, was deemed insufficient to make a judgment if not backed up by other evidence.

SENSELESS KILLING BUT A SPIRIT OF HOPE

In examining the staggering breadth of the violence that occurred in El Salvador, the Commission was moved by the senselessness of the killings, the brutality with which they were committed, the terror they created in the people. In other words, the madness or "locura" of the war.

At the same time, the Commission was especially cognizant of the spirit of hope or "la esperanza," which brought it and the entire peace process into existence.

It is the hope in a peaceful future that has led the parties to put down their weapons and to construct a new society based on principles of democracy, respect for basic human rights and reconciliation.

In that regard, the Commission draws the subcommittee's attention to one of the most important recommendations it makes in its final report, that all those individuals named in the report as hav-

ing participated in violent acts committed by both sides to the conflict be prohibited from holding any public position for a period of 10 years. Having proven themselves to be unfit to exercise the rights and duties as citizens, particularly at this fragile moment in the country's history, these individuals must be barred from carrying out any public function. In addition, the Commission recommends that those individuals cited in the report immediately be removed and prohibited from ever holding any military or security responsibility.

MOAKLEY COMMISSION'S FINDINGS PARALLEL THOSE OF THE TRUTH COMMISSION

At this point, we would like to draw attention to the excellent work of the Speaker's Special Task Force on El Salvador, otherwise known as the Moakley Commission, which reached much the same conclusions as did the Truth Commission. Its investigation of the Jesuits' case served the best interests of the Salvadoran people in seeking the truth about what happened the terrible night during the guerrilla offensive.

Congressman Moakley, his staff and the others who served on his Commission deserve great credit for their determination and commitment to tell the truth. Our task would have been much more difficult had it not been for the work of the Moakley Commission.

THE FINDINGS OF THE TRUTH COMMISSION

Let me now summarize our findings on some specific cases, including those involving American victims of the conflict.

On December 2, 1980, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, four American churchwomen from the Maryknoll order, were killed by soldiers from the Salvadoran National Guard. As a result of one of the rare prosecutions that resulted in convictions, the actual people remain in jail today. The Truth Commission received sufficient evidence that the churchwomen's detention was planned in advance; that Subsergeant Colindres Aleman was not acting on his own but received orders to execute the churchwomen from superior officers; and that Colonel Vides Casanova, then Director of the National Guard, and other officers knew that members of the National Guard had executed the churchwomen and facilitated the coverup, thereby impeding the judicial investigation.

On June 19, 1985, Thomas Handwork, Patrick Kwiatkoski, Bobbie Dickson and Gregory Weber, four unarmed U.S. Marine Security Guards serving in El Salvador, were killed at an outdoor cafe in San Salvador by members of a guerrilla commando unit. During the attack nine civilians were killed, including U.S. citizens George Viney and Roberto Alvidrez. The Commission has concluded that members of an FMLN urban commando unit, acting under FMLN policy to consider U.S. military personnel legitimate targets of attack, planned and executed the killings in violation of international humanitarian law.

On January 3, 1981, Rodolfo Viera, head of the government's land reform program, along with Mark Hammer and David Pearlman, employees of the American Institute for Free Labor De-

velopment, were killed at the Sheraton Hotel by soldiers from a National Guard death squad. The two gunmen who were convicted and later released under an amnesty law, were following orders from National Guard Lt. Lopez Sibrian. They were assisted by Army Captain Eduardo Avila and businessman Hans Christ. The latter three escaped prosecution.

Lt. Col. David H. Pickett and Cpl. Ernest G. Dawson, after their helicopter was shot down by members of a Popular Revolutionary Army unit on January 2, 1991, were executed by ERP member Fernan Fernandez Arevalo on orders from Severiano Fuentes Fuentes. The pilot of the helicopter, Daniel F. Scott, died from wounds received when the helicopter crashed.

On March 24, 1980, Archbishop Oscar Arnulfo Romero was shot while he was saying mass by an unknown assassin. Roberto D'Aubuisson gave the order to kill the Archbishop. Army Capt. Eduardo Avila, former Capt. Alvaro Saravia and Fernando Sagrera played an active role in carrying out the order.

In December 1981, the massacre at El Mozote and surrounding hamlets claimed the lives of over 700 people including many women and children. The Commission conducted a thorough investigation of the massacre at El Mozote, including the exhumation of part of the site with the assistance of noted U.S. Experts Dr. Clyde Snow and Dr. Robert Kirshner, among others. It found that former Atlacatl battalion commanders Col. Domingo Monterrosa Barrios and Col. Natividad de Jesus Caceres Cabrera were responsible for the slaughter. In addition, Supreme Court President Mauricio Gutierrez Castro improperly interfered in the judicial proceedings concerning the investigation of the massacre.

COMMISSION RECOMMENDATIONS

The Commission has recommended a series of wide-ranging actions aimed at removing human rights violators from public office, as already discussed, reforming the judicial system and the armed forces, and promoting human rights, democracy, the rule of law and national reconciliation. The Commission would like to take this opportunity to highlight the following recommendations:

Steps to ensure civilian control of military promotions, the military budget and all intelligence services;

Steps to cut all ties between the military and private armed groups or other paramilitary groups;

The immediate implementation of constitutional reforms requiring the turnover of the present members of the Supreme Court;

A public listing of all detention centers and all those who are detained in them; and,

Full support for the new civilian national police force.

Mr. Chairman, Representative Smith, and members of the subcommittee, the Commission would like to thank you for this opportunity to discuss the main points of the Commission's report.

[The prepared statement of Msrs. Betancur, Figueredo and Buergenthal appears in the appendix.]

Mr. TORRICELLI. Mr. Buergenthal, did you have a statement you wanted to make?

Mr. BUERGENTHAL. No, sir, other than to thank you for the support the Truth Commission received from you in the months we were working on the report.

Mr. TORRICELLI. Gentlemen, you made an enormous contribution to a long and difficult resolution of this tragedy. The people of El Salvador will have a chance to rebuild their future and they are certainly indebted to you.

For all of us who were in Washington over those years, we are indebted to you as well. Through your work we can see where we made errors in judgment in good faith and trust of your own government. We can certainly see mistakes that were made by others within their government.

I would like to take the chance we now have to look at some of these issues further and to ask a few questions.

STATISTICAL BASIS OF THE TRUTH COMMISSION REPORT

The first is on methodology. Tell us, if you would, the numbers of interviews that were conducted so we will have an understanding of the statistical base.

Mr. BUERGENTHAL. Mr. Chairman, we received and interviewed at least 2,000 individuals who came to us and actually presented evidence relating to something like several thousand individuals.

Mr. TORRICELLI. Relating to 7,000?

Mr. BUERGENTHAL. Individuals who presented claims relating to more than 7,000 cases.

Mr. TORRICELLI. What is the standard of proof that you had required for yourselves before you reached a judgment on some of these extraordinarily controversial and important issues, assigned responsibility for a murder?

VERIFICATION OF WITNESS ACCOUNTS

Mr. BUERGENTHAL. Mr. Chairman, as my colleague already pointed out, we devised a system for weighing the evidence—overwhelming proof, substantial proof and sufficient proof—and based our findings of fact on one of these standards. Then, with regard to charges involving individuals, we decided that if we were to name any individual, we could not rely on only one source of information.

Moreover, we were aware of the fact that we were not working in a way that courts work. Therefore, we did everything in our power to verify and cross check the evidence and make sure that the testimony we received was also borne out by whatever circumstantial evidence or other evidence we could find.

Our final decision was made on the basis of our moral conviction based on the information we received. There is a chapter in our report that describes in considerable detail the methodology we employed and the considerations we took into account in making our decisions we had to make. I should add that with regard to the findings we made in naming specific individuals, all three of us in all of the cases we presented have a moral certainty that the findings reflect the truth.

Mr. TORRICELLI. In each of the conclusions that you reached you did so unanimously?

Mr. BUERGENTHAL. That is right.

Mr. TORRICELLI. So, for purposes of our understanding, when you reach a conclusion about the direction of the massacre or the murder of the Archbishop or the Jesuits, you are requiring both that there be some circumstantial evidence and multiple corroborations from independent sources?

Mr. BUERGENTHAL. That is correct, Mr. Chairman.

Mr. TORRICELLI. Because these statements would be made without the benefit of a cross examination, did you place yourselves in the circumstances of testing the veracity, depth of knowledge of the individuals who would provide this information?

Mr. BUERGENTHAL. Very much so, yes. In various different ways. For example, our first question in assessing testimony would be what is the particular interest of the witness, the personal or political interest, what elements does he represent, was there personal animosity between the accused and the witness. Next, we would find other evidence to support or detract from the conclusion.

We often interviewed the same witnesses over and over again, in some cases five or six times, and brought in other people to verify the testimony. We felt that we had this obligation, considering we could not confront the witnesses and the accused person. We also gave those who were being accused an opportunity to appear before us.

AMERICAN EMBASSY ACCESS TO INFORMATION

Mr. TORRICELLI. You undoubtedly already have a sense in the brief time since your report was issued that those of us who participated in the debate about Central America a few years ago feel a rage about your findings. If you had come to some of your conclusions because after that exhaustive analysis, you had found a few missing witnesses hiding somewhere in a remote corner of the world who gave testimony, it would be easier to understand. But it is my impression that you found multiple sources among the thousands of people that you talked to that led you to some of these conclusions.

That leads me to ask you, not as a past member of the Commission but as an American, given the number of people who they have had, the strength of the evidence, your own judgment, independent of your role in the commission, of the possibility of the American Embassy operating in San Salvador at the time of the death of the Jesuits, at the time of the massacre, at the time of the killing of the nuns, the assassination of the Archbishop, the chances given our access to information and presence in the country of the things that you have now discovered were not to a significant extent known then.

Mr. BUERGENTHAL. This is a difficult question to answer, Mr. Chairman. I would say with regard to both acts that much of it was known to some of them and if they were not known, they should have been known to U.S. personnel in El Salvador.

Mr. TORRICELLI. Professor, we have time here. This is important. I want to go through a couple of them. Begin with your impressions from the massacre and go through each of those cases, if you would, giving your impressions based on the number of witnesses who came forward and the levels of evidence.

U.S. EMBASSY KNOWLEDGE OF EL MOZOTE MASSACRE

Mr. BALLENGER. Would the gentleman yield, and tell me which massacre he is speaking of?

Mr. TORRICELLI. The 700 civilians.

Mr. BUERGENTHAL. In the El Mozote massacre it is clear that, at the very least, it would have been possible for the U.S. Embassy, had it wanted to, to have easily ascertained that there was a massacre and who committed it.

Mr. TORRICELLI. First I want to assure my colleagues that I know we are taking some time. We will stay here as long as is necessary as you are available to get these things answered.

U.S. ADMINISTRATION JUSTIFIES THE MURDER OF AMERICAN NUNS

Addressing the question of the nuns, quoting Alexander Haig, then Secretary of State, "I would like to suggest to you that some of the investigations would lead one to believe that perhaps the vehicle that the nuns were riding in may have tried to run a roadblock or may have accidentally perceived to have been doing so."

Did you receive any testimony from anyone suggesting how Mr. Haig would have come to that conclusion?

Mr. BUERGENTHAL. No.

Mr. TORRICELLI. Among the hundreds of people you talked to, no one suggested that this was a possibility?

Mr. BUERGENTHAL. No. The statement was outrageous.

Mr. TORRICELLI. Quoting our former Ambassador to the United Nations, Mrs. Kirkpatrick: "I don't think the Government of El Salvador was responsible. The nuns were not just nuns. The nuns were political activists. We ought to be a little more clearcut about this than we usually are. They were political activists on behalf of somebody who was using violence to oppose and kill them."

Do you have any evidence to suggest how someone might have come to that conclusion?

Mr. BUERGENTHAL. In that case one might have come to the conclusion that they might have been sympathetic to the FMLN, but not that they were involved in the conflict.

Mr. TORRICELLI. Didn't you report that the order to kill them or the discussion of it began before they arrived in the country?

Mr. BUERGENTHAL. Well, they had been in the country before.

Let me just clarify one thing, Mr. Chairman. There is no doubt that there is no basis for Mrs. Kirkpatrick's statement as a justification for the killing of those churchwomen.

It may have been true in this case that the sympathy of the nuns was with the FMLN, but to my mind and the mind of the commission, that is totally irrelevant. They were not members of the FMLN and they were not armed. There was, therefore, no justification to kill them.

U.S. EMBASSY PURSUES OSTRICH POLICY?

Mr. TORRICELLI. There was a report last night concerning the massacre on CBS interviewing the Ambassador and one of his former assistants. Contrary to the Ambassador's assertions at the time, he indeed had been assigned to go out and speak with people

and had brought back to the embassy evidence from those conversations, that, in fact, this had been done by security forces.

During your conversations, did you either find evidence or develop your own view, professor, about the availability of information concerning who was responsible for that massacre and whether or not it was known or should have been known to officials in San Salvador?

Mr. BUERGENTHAL. My own impression, Mr. Chairman, is that certain individuals in the embassy were not interested in receiving that information and that it could have been easily received as far as the massacre was concerned.

On that point, let me just amplify what I said—and here again I speak for myself and not for the commission: one got the impression, not that people in the embassy necessarily knew, because it was not always easy to know things in El Salvador, but that U.S. officials at certain times did not want to know.

U.S. GOVERNMENT KNOWLEDGE OF THE NUN MASSACRE

Mr. TORRICELLI. Did anyone suggest to you that they were aware or had ever been interviewed by the U.S. Government personnel about the massacre?

Mr. BUERGENTHAL. I really can't recall that, Mr. Chairman.

Mr. TORRICELLI. Dr. Figueredo, this is an important question. Mr. President, I will restate the question.

This Congress was assured the U.S. Government at no time had any information with regard to the massacre. Indeed, testimony was provided to this Congress of alternate theories disputing whether it happened at all.

During the course of interviewing people who led you to your conclusions about the massacre, did anyone ever suggest to you that they ever submitted testimony to the U.S. Embassy personnel or provided information that might have come to the U.S. Government?

Mr. BUERGENTHAL. I did not understand your question before. We received information that a certain U.S. official had in fact reported that a massacre took place.

Mr. TORRICELLI. So your witnesses had been questioned and had provided the information on the account that they had at the time following the massacre?

Mr. BUERGENTHAL. That they had information.

AMERICAN JOURNALIST MURDERED

Mr. TORRICELLI. Finally, in 1983, I went to San Salvador to retrieve the body of a constituent, a young journalist, John Sullivan. I brought his body home to his family. There have been many theories about why John was murdered.

During the course of your discussions with people, did his name ever arise?

Mr. BUERGENTHAL. The name came up but—

Mr. TORRICELLI. He was taken from the Sheraton Hotel late one night and his body was found some 20 miles outside of El Salvador.

Mr. BUERGENTHAL. I am aware of his name, but we were unable to find anything else regarding this case.

Mr. TORRICELLI. No one came forward.

Mr. BUERGENTHAL. No.
Mr. TORRICELLI. Mr. Smith.

COMMISSION CONSENSUS REGARDING CASES

Mr. SMITH. I would like to ask our three panelists, whoever would like to answer the questions, were there cases where the majority ruled? You indicated that they were unanimous in terms of the final, but were there cases where it was two to one and you thought those cases would be just shunted aside or was there unanimity?

Mr. FIGUEREDO. There was no case where we had divided vote. It was unanimity.

Mr. SMITH. Consensus was formed and you went forward with that consensus about what had happened in a particular incident?

Mr. FIGUEREDO. The methodology adopted and the procedures that were followed were such that if the case lacked sufficient evidence, we put it aside until we got more facts. Where we got the necessary facts, the cases are indicated with the unanimous views of the commission.

Mr. SMITH. Were there cases where perhaps everyone did not agree but where there might have been sufficient evidence where another set of eyes looking at it might have wanted to pick up the gauntlet and said other evidence should be looked at and perhaps other names might be forthcoming?

Mr. FIGUEREDO. We were not given a list of cases that we had to analyze. We adopted the methodology and procedure that is included in the report. Our staff remained in El Salvador at the time of our field work there.

We did get some information concerning various cases which because of the limited period of time of 6 months, could not be fully explored. I do not recall that we stopped any of the cases because we did not reach any common view. Rather, it was more that in some cases we had no evidence to go on and we had limited time.

GOAL: PRODUCE RECOMMENDATIONS, NOT CASES

Our goal was not to produce more and more cases, but to emphasize the recommendations. That is why we were looking at either individual cases where people were forthcoming or at illustrative cases. We were unable in some instances to have people come forward, but in a majority of the cases, they did come forward.

Mr. SMITH. Would it be your suggestion that there be a followup Truth Commission again to sift through the remaining cases, and there must be thousands of them, because of time constraints and limited personnel.

For the record, will you enlighten us with how large a staff you did have, because you were entrusted with a Herculean task?

Mr. BUERGENTHAL. Our staff consisted of between 15 and 20 individuals. As for your first question we have not discussed this subject, so I am speaking for myself only. I am not sure that would necessarily recommend another Truth Commission.

FROM DEATH SQUADS TO A NEW, JUST SOCIETY

But there is one area that we left somewhat unexplored that troubles us, and we say so in the report. This is the area that concerns the Death Squads. We deal with the Death Squads, we described the phenomenon, but we did not have at our disposal the type of investigative tools that we would need to be able to pierce the veil of secrecy that covers this whole phenomenon.

There we feel strongly that it is very, very important for the future of El Salvador to find the people, particularly the financial backers, who made the Death Squads possible. That can only be done by agencies that have the necessary investigative instruments to do it. There were of course thousands of individual cases listed in our annex with which we do not deal, but as far as the Death Squads are concerned, we leave with trepidation.

Mr. FIGUEREDO. I want to stress the point that has just been made by the Mr. Buergenthal. We do make a recommendation first to the Government of El Salvador and invite those who can, international government institutions and others, and we invite particularly you and others to look into this matter.

Mr. BETANCUR [through translator]. The whole basis of our recommendation is really a search to stop impunity. Impunity is what gave rise to this war. The people in El Salvador felt there was no longer any justice in their system, and so they opted for taking the law into their own hands. That is what we really seek to put an end to, the impunity.

We believe that the cornerstone of the new society in El Salvador must be a just society, a society permeated by clarity, justice and fairness. In order to achieve this just society, it is imperative that the justice system be restructured, beginning with the removal of the vast majority of the judges and starting at the very top, the president of the Supreme Court of El Salvador, and then on down the lists of judges.

OPPORTUNITY OF THE ACCUSED TO RESPOND

Mr. SMITH. Could I ask you, I think I heard you correctly to testimony that people who were accused were permitted the opportunity to respond. Is there a record of either people from the FMLN or the government security forces or military having responded to the accusations against them?

Mr. BUERGENTHAL. I am not sure what you mean by "record."

Mr. SMITH. When a body of evidence, whether it be overwhelming, sufficient or substantial, was gathered pointing a finger at an individual, whether they are government people or FMLN people, were they given an opportunity to respond to the charges? And if so, who responded, and is there a record of that response?

Mr. BUERGENTHAL. First of all, I think I should make very clear that almost 90 percent of all of our information is confidential. We were in fact authorized to do that. Without confidentiality, we would not have received any information.

I should add, too, that as far as responses are concerned, most of the people we asked to appear appeared. There were some who did not and a few whom we could not find, but the vast majority of the individuals we invited to appear appeared.

Now, in terms of confrontation, because of the manner in which we operated, to confront somebody in that society with the person he accused is often to guarantee his immediate execution.

Mr. SMITH. I did not mean the person. I meant the information to implicate. For instance, did General Ponce or the FMLN leaders who are named in the report provide a rebuttal to the accusations levied against them?

Mr. BUERGENTHAL. We interviewed General Ponce and the others.

Mr. SMITH. Was that made public?

Mr. BUERGENTHAL. No, none of our information was made public.

WITNESSES FEAR RETRIBUTION

Mr. SMITH. I can understand witnesses who would fear retribution. Have there been any instances where people who came forward have been either harassed or hurt in any way? But for those who were accused, is that information going to be made available?

Mr. BUERGENTHAL. I am not sure I understand which information you are talking about.

Mr. SMITH. If someone is accused of a crime, and these are horrific war crimes that their names are attached to, they apparently have responded in conversations with your commission. Will that information be made available so that we know what the response is, whether it is FMLN or the government people?

Mr. BUERGENTHAL. In a number of cases we indicate what the response was, that people denied the charges. In other cases, there is also evidence of who appeared. It was only when we were asked to guarantee confidentiality that it was not.

Mr. FIGUEREDO. Perhaps it might be useful for this subcommittee to know that at the end of our activity, we were very seriously concerned that despite the recommendations of the ad hoc commission, which came up with a list of military officers to be dismissed by President Cristiani as provided for in the Peace Accords, there were a number of them which the President decided not to dismiss. But the list was kept confidential.

We expressed concern to the Secretary General of the United Nations that, since we were looking at cases and we were unaware of the names of the 100 or so that were on the ad hoc commission list, it could happen that there might be a coincidence of names that would come forth in our cases that would have been kept by President Cristiani. The consequence of this could be that some of the enemies that brought the findings of the cases could perfectly reveal in the general context of those cases that came forward to us. That would put at risk the lives of those who came forward and had confidential testimony.

TRUTH AND JUSTICE WILL FORM A NEW SOCIETY

Mr. SMITH. From the perspective of fostering reconciliation and suggesting that those individual's names be kept out of politics for 10 years or for life, for certain other types of activities, do you have a sense with a reformed judicial system in El Salvador that certain actions should be taken in the future, or would you think that that would be beyond your mandate?

Secondly, since names are named with regard to American citizens who were butchered and killed, is there a sense of what this government ought to be thinking of along the lines of extradition so that justice can be finally meted down to those who committed these crimes?

Mr. BETANCUR [through translator]. We have considered all along that discovering the truth is essential to create a new society in El Salvador. We had received some pressure trying to prevent us from naming names.

When we first arrived in El Salvador, we were urged by the high officials, from the President to the high command of the armed forces, they all urged us to name names precisely with the argument that institutions are not the ones that commit crimes. It is individuals who commit crimes.

By December of 1992, when we were winding up our work, we again were approached by the authorities but this time the message was exactly to the contrary. They asked us not to name names. They considered that to be a dangerous development. These were the self-same people who had first urged us to come out with the names.

Our reaction to them in December was to say "if that is the case, if we do not give out names, then indeed the institutions are guilty of the crimes."

Take, for example, the case of the Jesuits. It is a fact that they were killed by a group of officers from the battalion who were given prison sentences of 30 years. If no names could be given out, then it should be the institution that would have to be dissolved. No more army.

According to the Salvadoran constitution, the commander in chief the armed forces is the President of the Republic. This would mean that he would be the ultimate person responsible.

So our response to this was, these crimes were committed by individuals. The names have to be given out of those human beings who willingly and knowingly accept and commit this type of crime. We are convinced that the truth will act as a sort of blessed holy water that will cleanse Salvadoran society.

U.S. GOVERNMENT RESPONSE TO CRIMES AGAINST AMERICAN CITIZENS

Mr. SMITH. Left open is what the followup ought to be. I take it perhaps that was done by design. It seems to me that especially by highlighting and naming names in crimes that had been committed against U.S. citizens, it leaves open a burden, moral and legal, on our own government for a review of these cases with regards to what action this government might take. Perhaps the information you have could be shared with the Justice Department attorneys.

I did not get any sense in reading through those cases you highlighted of Americans whether or not they were overwhelming or sufficient circumstances. Perhaps you can provide for the record what kind of information you had for those. Perhaps that could be provided to our Government.

Mr. BUERGENTHAL. That is in the report. Each individual case and finding, you will note that we indicate the weight of evidence on which the finding was based.

APPROPRIATENESS OF THE TRUTH COMMISSION CONCEPT TO OTHER REGIONS

Mr. SMITH. I would ask one final question. Maybe it applies to the region or perhaps anywhere else in the world, as to whether or not in your view the Truth Commission idea or concept might not be applied to other nations as well.

Earlier today we had a meeting with Mr. Lacayo from Nicaragua. I broached the question since there had been serious allegations very serious, leveled against his government and Mrs. Chamorro, whether they be true or not, they deserve an investigation and an impartial look. I got a sense that he would not be averse to that at all. I came away with a view I might be for it.

I hope something like this might be triggered to sift through so that the democratic experiment in Nicaragua does not go awry and the hopes and expectations for that country, which are very high, are not undermined.

Perhaps you would like to speak as to whether or not you think this model might be applied elsewhere.

As you said, Mr. President, there is a cleansing sense when the truth is out. As the chairman said, "The truth will set you free," when he quoted Christ.

Mr. BUERGENTHAL. As you know, this is the first time such commission format was used, the first time that a commission was used, which was composed of three individuals who are not nationals of the particular country being investigated. In some cases, that is probably the only way that a credible report on what happened can be prepared.

For that reason, our sense is that the establishment of the Truth Commission set a precedent. It will probably be used and probably should be used in many other countries. In some countries, it may not be the right tool, but on the whole, it probably provides a very useful instrument for investigating past violence and then for coming up with a credible finding that hopefully puts at rest the dispute as to what happened, what is and what is not true.

Mr. FIGUEREDO. I understand that this subcommittee will listen to some other views of people from El Salvador when we leave the subcommittee. We were addressed by the important members of the Salvadoran Government with respect to both committees, the ad hoc and the Truth Commission.

Their reasoning was it might not have been necessary for the peace process. This is not for us to answer. But without this instrument peace might not have been achieved in the time it was achieved.

Probably one of the parties could argue very forcefully their views in this regard. But we have no doubt in our mind that this is instrument breaking new ground in human rights, as the professor has said, and there is no doubt in our minds that instruments similar to this should be encouraged, encouraged in this hemisphere and encouraged in other parts of the world.

Mr. SMITH. I thank you very much for your pioneering work on world peace and peace in El Salvador.

Thank you.

Mr. TORRICELLI. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

As I listened to the testimony, the shocking events in the past of what happened in El Salvador come vividly back to mind with the shocking evidence of your report. I believe you entitled your report Delaguda La Esperanza, "From Madness to Hope."

Let's hope that both the Government of El Salvador and others involved will embrace the findings of your report and more importantly the recommendations of your report.

ALLEGATIONS OF DEATH SQUAD ACTIVITIES BY SALVADORANS IN MIAMI

In that regard, I noticed on page 4 of your joint statement that the commission found that Salvadoran exiles living in Miami helped administer death squad activities between 1980 and 1983, and I quote your statement, "With apparently little serious attention from the U.S. Government."

You continue that paragraph, talking about death squads remaining a threat to the peaceful El Salvador and you recommend a special investigation to name their organizers and financiers.

How did you come to that statement, "With apparently little attention from the U.S. Government?" It seems you made a point of making that statement. Would you expound for the committee?

Mr. BUERGENTHAL. I will answer that question, but I have to answer it in a somewhat circumspect way. I think that you may wish to know that I was given access to certain confidential information. I was given clearance for certain information. The information that I received in various cases enabled us to reach certain conclusions, not necessarily about this particular case.

Mr. MENENDEZ. Your answer only raises other questions in my mind. I will try to approach them. Obviously you will answer as best as you can.

When you say you were given clearance for information, was it here or abroad, your source of clearance for information?

Mr. BUERGENTHAL. I was provided access to U.S. information, to certain U.S. information.

Mr. MENENDEZ. And that U.S. information which obviously this committee would be able to obtain gave rise for you to make the statement that—which part of your sentence on page 4, that the Salvadoran exiles living in Miami helped administer the death squad activities or that the United States showed little serious attention?

Mr. BUERGENTHAL. As you correctly noted, I did not answer this question before.

Mr. MENENDEZ. Let me ask you this: You made a public statement on page 4 which really raises serious questions for the committee. The chairman pointed out, and rightfully so, that at a time when I was not a Member of this committee, obviously I was not here, that people came to the United States and made representations.

In your statement here, you have gone out of your way before the committee to cite that people living in your country helped administer debt squad activity during a certain period of time. You could have ended there, but you go on to say the U.S. Government paid little attention.

Is this a fair statement, that they knew of these activities by Salvadoran exiles in Miami?

Mr. BUERGENTHAL. I would like to make it clear to the committee that the three members of the commission reached an agreement and Dr. Figueredo and myself deferred to Professor Buergenthal and he in effect represented the commission for the purpose of obtaining this information.

You are looking at me now to answer the question. The answer is that it seems to me, as the chairman suggested, that if you are going to investigate U.S. policy that that would be one point to investigate. We have made a report based on the confidential information we have received and we will stick by our conclusion on that point.

DID U.S. PERMIT VIOLATIONS OF LAW?

Mr. MENENDEZ. So I will take it that is a fair statement. In any event, for my view of it, if you are willing to make the statement, and I understand the constraints you have, but if you had are willing to make the statement for public consumption that certain acts within U.S. jurisdiction, the confines of the United States' jurisdiction, here in the United States, subject to U.S. law, that in fact Salvadoran exiles helped administer death squad activities, then I think it is incumbent upon this committee—and I hope, Mr. Chairman, that you will pursue vigorously those actions that are alleged here because I think that it is important to know how we would permit those types of violations of law to go unchecked and unpursued by our own law.

AMNESTY—AN APPROPRIATE ACTION?

President Cristiani has called for an amnesty for both sides of the situation, I think partly as a result of your report. I wonder, as I listened to your recommendations in your report, is there a valid reason to consider this as an appropriate course of action? Will it not undermine—because amnesty is, depending on how we define amnesty, it can be very finite or it can be very broad.

Your recommendations about removing certain people from appropriate governmental and military positions, your recommendations about barring others for a period of a decade in terms of participating, your other recommendations here could fall within the ambit of amnesty.

I would like to hear from the commission their views?

Mr. FIGUEREDO. Mr. Menendez, we purposely did not react in our report to this particular issue. We did not do so, and I could elaborate a little bit in the sense that at the end of our work in El Salvador, we requested all parties concerned what would you expect to see in our recommendations. We invited them to provide us with their views. After all, this is a process that belongs and will be seen by the Salvadoran people, not by this or that peoples, which they agreed upon under question of the Truth Commission that came up.

One of the submissions we obtained, was that we should recommend a Punto Final of amnesty. We deliberated very extensively. You cannot expect from a sponsored U.N. commission with a professor who has been 30 years in human rights dealings, with

a former President and former foreign minister, that we could ignore both the treaties and all international law on the subject. We therefore took the position of not addressing this particular issue, though we discussed with those who urged us to take it into consideration—as he said, it is for you, the Salvadoran people, to decide what you have to do.

PRESIDENT CRISTIANI PLAYS LEAD ROLE

In that regard, I would only react to what Mr. Torricelli, the chairman of the committee, said at the beginning. We understand, we praise the role that President Cristiani is playing in El Salvador. He is the president of peace. He is the captain of his ship. He requires understanding and cooperation of all of El Salvador. It is not for us to say what he is proposing and what others continue with.

Mr. BETANCUR [through translator]. In our report, we recognized the fact that both during the war and during the peace process some outstanding and remarkable personalities emerged. These same persons who were devoted to the war were the ones that brought about the peace, and in the end of our report we state very clearly that it is up to the Salvadoran society to decide how it will deal with its own future.

TRUTH COMMISSION EXPECTS ADOPTION OF ITS RECOMMENDATIONS

Mr. MENENDEZ. Let me ask you this: You certainly issued a series of recommendations. Would it be fair to say that you would be less than satisfied, tremendously disappointed if your recommendations are not fulfilled after all of the work you did?

You had two goals, and I understand as I tried to prepare and read your mandate, it was, one, to find the truth and, two, to recommend within a certain ambit those items that you felt could, in fact, create opportunities for a longer lasting peace and democracy in El Salvador.

Is it at least minimally fair to say that it is your expectation that those recommendations that you issued are going to be adopted by both sides?

Mr. BUERGENTHAL. Mr. Menendez, it is really more than our expectation. Here we need to recall that both parties to the Salvadoran conflict in the peace accords specifically undertook to comply with our recommendations, and it is not our hope but really our expectation that they will live up to the commitment they assumed, and it is also our hope that the United States will support these recommendations in order that these commitments are complied with.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. TORRICELLI. Thank you, Mr. Menendez.

Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman.

A BLOODY OFFENSIVE

If I may, and I hope that possibly you found out in your examination and questioning of people in El Salvador, recognizing—and it is very strange—it obviously was the creation of the news media,

and I am not suggesting that the killing of the priests and so forth was justified, but how many other people were killed in that particular 2-day battle or whatever, 3-day battle that they had? Does anybody have a legal number or a semilegal number, a guesstimation?

Mr. FIGUEREDO. When the Jesuits were assassinated, there was a major offensive of the FMLN, probably the position-sustained the goals of that offensive and whatever happened during that offensive.

It is stated in the report that on the 15th a meeting that took place of the high command, the view by the high command and the commanding officers fighting in the capital was that the situation was so serious, so tremendously serious, that approval to use airplanes and artillery in the capital, which needed the consent of the President, was requested so that the capital would not fall either in the hands of the FMLN or in a state similar to what happened in Lebanon.

That position was adopted from a purely military standpoint, approval was subsequently given, and it happened. We do not have a recount of exactly the numbers or—

Mr. BUERGENTHAL. Yes, we do.

Mr. FIGUEREDO. In the testimony that we received, which doesn't necessarily mean that that was the exact number, but the direct testimony we received, on page 37 of our report, we said 292 victims. It says Emilio Ponce, chief of the high command informed that there had been 446 soldiers killed, 1,228 wounded, and 1,902 guerrillas killed and 1,109 wounded in that particular offensive.

Mr. BALLENGER. That is close to 5,000 or 6,000 people killed in that particular area, and the news media, as far as I know, the news media up here never reported anything except the Jesuits. I am not trying to justify the Jesuits, but obviously somebody was responsible for 4,000 or 5,000 people getting killed in that particular situation.

The 10-year suspension that you are recommending, I can understand because you have the names of the chiefs of staff and the generals and so forth, but that 10-year suspension, does that include maybe some of the witnesses who are going to be in the next panel?

Mr. BUERGENTHAL. I am sorry, Mr. Ballenger, the next witnesses?

SOME FORMER RIGHTS VIOLATORS AND THE PEACE PROCESS

Mr. BALLENGER. You know, you recommended for people that were involved in these killings and the deaths and so forth, it was recommended that they have 10-year suspensions or lifetime suspensions from being involved in the government in any political operation. Obviously, it could apply to some FMLN people, but you would be less likely to know who they were. Could it possibly apply to some of the people in the next panel?

Mr. BUERGENTHAL. It may well be, yes. We have a listing, Mr. Ballenger, listing all of the people.

Mr. BALLENGER. Oh, really. Let me ask you one strange thing, and you have to accept the fact that I know these people, but the fact that—how do you personally reconcile that some of the people

you named, namely General Ponce and Vides Casanova have been the strong supporters of the peace movement, have been there to reduce the army, have done all these various and sundry things, and at the same time seem to have committed themselves to very definitely dangerous things.

Mr. FIGUEREDO. I think President Betancur in his earlier remarks said what I am going to repeat to you. We recognize in those 12 years there were acts of which certain individuals from one side or another, at least in what we looked at, had responsibilities and violations according to our analysis and the methodology of human rights violations, but we recognize as well that these individuals did play a positive role in reaching agreements, in bringing about the peace accords.

TRUTH COMMISSION MAKES RECOMMENDATIONS; SALVADORAN PEOPLE MAKE FINAL DECISION

We did say that specifically, but it was not for us to weigh these considerations because we do not act as a tribunal, and we have made the recommendations that we make in our report, but the ultimate decision is for Salvadoran people. This is why I stress, Mr. Ballenger, that we recognize President Cristiani, the responsibility he has to carry forward, and he will have to discuss his suggestions with the Salvadoran people. So if they decide one way or another, it is the Salvadorans who will have the future in their hands. We did not pass judgment as to whether they should do it this way or they should do it that way.

Mr. BUERGENTHAL. If I might just make another addition to this. I agree with Dr. Figueredo, but I would also like to add that in the time that we have come to know El Salvador, it is not impossible to assume that some of these people never really believed that they themselves would be removed. They may have participated in the peace process believing that they would be protected, that they would continue with their immunity while others would have to go.

MILITARY ORDERS THE DEATH OF THE JESUITS

Mr. BALLENGER. Could I ask, at the meeting of the colonels and the generals on the night of the 15th when the decision was made evidently to go ahead and use as much force as necessary to save the city, was it at that particular time that these people justified or ordered the death of the Jesuits?

Mr. FIGUEREDO. We described in the report in that case the convictions that we obtained out of all our thorough investigation, the general meeting that took place where more than 30 or 40 people was convened specifically to handle, from a military standpoint, the offensive that was a very serious offensive. We describe in the report what happened.

Mr. BALLENGER. Well, let me—the three areas of guilt where you have drawn the three areas, and at that particular meeting where the generals, the colonels decided that they would kill the Jesuits, somebody must have actually reported to you specifically that these three or four gentlemen made the decision that they would kill the Jesuits at that meeting. If they don't have that, I mean is there a definite word of mouth proof that somebody said that or is this an assumption on one level or two levels or a third level?

COLONEL ORDERS THE KILLING OF THE JESUITS

Mr. FIGUEREDO. If you allow me, I will read from the report, page 47. The 15th of November—I am translating, free translation.

On the 15th of November at around 6:30 p.m. there was a meeting of the high command with all military commanders to adopt new measures confronting the offensive. The Chief of Staff, Ponce, authorized the elimination of union leaders and renowned members and supporters of the FMLN. It was also decided in that meeting to increase the air force attacks and to use artillery and armored vehicles to dislodge the FMLN from the areas they controlled.

The Minister of Defense, General Rafael Humberto Larios Lopez, requested that all who were in agreement should raise their hand—no, if anyone disagreed with, he should raise his hand. No one raised his hand. It was also agreed to consult these military positions.

After the meeting, some officers remained in the meeting room of the high command, talking to each other. One of these groups was discussing policy—General Juan Rafael Bustillo, Colonel Francisco Elena Fuentes, Colonel Juan Orlando Zepeda, Colonel Inocente Orlando Montano.

Colonel Ponce called Colonel Guillermo Alfredo Benavides and in front of these four officials ordered him to eliminate Father Ellacuria without leaving any witness.

He ordered as well to use the Batallon Atlacatl unit that 2 days earlier had undertaken a search of the grounds of the Jesuits university.

Mr. BALLENGER. Pretty clear-cut.

Thank you, Mr. Chairman.

Mr. TORRICELLI. Mr. Gallegly.

Mr. GALLEGLY. I have nothing, Mr. Chairman.

Mr. TORRICELLI. Mr. Royce.

Mr. ROYCE. Yes, let me ask one question.

USING THE REPORT FOR THE RIGHT PURPOSE

I think that the Commission's report is really intended to promote national reconciliation. How can we work to make sure that it is not used for the purpose of revenge and it is not just used for the purpose of politics? How do we move on from here? Could I ask you for your opinion on that?

Mr. BETANCUR [through translator]. Yes, Mr. Royce, the whole aim of our report is reflected in its title, "From Madness to Hope."

It was our intention to help this transition of the Salvadoran people from the situation of madness to something that affords hope in the future and to create a society the basis of which has to be the respect of human dignity, individual human dignity.

There is an historic constant that has shown that constant violations of human rights create a reaction that upgrades the level of abuse of human rights. This is the chain we want to cut. An invisible thread runs through our report. However painful the cases that are reflected in the report, it is our hope that this will lead to a constructive future.

The way that one can help the Salvadoran people as they come out of the ashes to rebuild a new society is to bolster their efforts to create that new society and free them.

Mr. ROYCE. Thank you.

Mr. TORRICELLI. Mr. Smith.

Mr. SMITH. Just very briefly let me thank you for the second round of questioning, Mr. Chairman.

I just wanted to ask our panel, again getting to the unfinished business, because it is extremely important as you have done to chronicle the most notorious cases and to receive information as you did from people who came under condition of anonymity to give you information.

SCOPE OF THE REPORT

Did you find that there were a large number of cases? For instance, if you could put a percentage on it, if that is possible, of those cases that you think you have provided us a clue as to what happened and perhaps those cases that remain untouched, because, again, a three-member panel looking at over a decade of atrocity can't even hope to touch on all of these cases, and secondly, since we all know that from the report that the military was implicated as perpetrating the majority of these—or security forces of these various crimes, how would you judge the accessibility of information regarding FMLN: Was it more difficult? Was there less of a paper trail, if you will? Were people more or less reluctant? Did you have access to a sufficient number of people? Again, just so we get at the truth of what really happened.

I was to El Salvador on four separate occasions, twice in regard to assassinations, because that was one of the issues that I have and continue to push very strongly throughout the world.

I remember on one particular trip hearing a number of alleged atrocities being laid at the door of the FMLN dealing with the so called "foot taker offer mines" that were being used.

My question really goes to how much of that information needs to be gotten out, again, looking at a second round of this, if you will, if that is necessary?

Mr. FIGUEREDO. Mr. Smith, your reasoning is persistent and I think very important, because it is important for this subcommittee, and for all of us, to have contributed to the Salvadoran process and assist the Salvadorans with this process.

MANY CASES REMAIN

Let me clarify certain points. First of all, the report is a relatively small report. I would say that it was based on what the people of El Salvador told us and according to a specific methodology which is hereby sustained.

But there is a very large annex. That is a listing of all the victims who were identified to us, and we searched very thoroughly all the lists of disappearances and our victims which the U.N. systems and other organizations submitted.

FMLN RESPONSIBILITY

So this is one answer to your question, in the annex, you can see. As to the FMLN responsibility, let me put it this way: We did request the armed forces specifically on several occasions in writing submit to us the cases they were charging the FMLN with, and we requested also the human rights governmental office to do the same thing, submit to us all the cases, not only the cases at which you were reported, but cases attributed to the FMLN. We did obtain very, very large numbers. As a matter of fact, one day we received, I don't know whether it was in October or November 8 or 10 folders, with thousands and thousands of cases.

We looked at this material thoroughly and, as a result of that, we exchanged views with them. In most of the cases, it was only a paper clipping with an indication this was done by such and such. So we invited them in writing and in meetings with our staff to give us more information because we have a methodology and we are not changing methodology, we simply would like you to submit more evidence.

They did not come forward, but we did look into those cases where we had secondary evidence that indeed it was—had been reported, and we looked also to primary evidence as well, and we saw that those who came with the 2,000, some of them specifically were invited and we looked at these cases. So I hope that I am clarifying your point of view. We did apply a very thorough systematic way of looking at the cases, and we were looking for them.

Now, as to the cooperation by the FMLN, they did indeed come and not only reported on issues but names either in a personal capacity, some of the commanders came and they had families or others or whatever and they reported and gave us evidence, but they also provided information which was helpful in finding the truth.

In certain cases, their arguments to us were not convincing, particularly their justification for their action and why there were not violations of human rights. Their argument was they did not violate human rights. Our position is that they did, and we said so in our report.

Perhaps Professor Buergenthal can elaborate a little more on that.

Mr. SMITH. Thank you, Doctor.

Mr. TORRICELLI. Thank you, Mr. Smith.

AMERICANS, TOO, MUST SEARCH FOR TRUTH

Your work now concludes a search for the truth about El Salvador. For those of us who are Americans, we now must begin our own search for truth. The war in El Salvador touched not only the people of that country but in a very real way the people of this country as well.

I would like to begin perhaps our own search for an American truth in this tragedy by just briefly reading what remains central to this debate: "Presidential determination Number 82-4, January 28, 1982. I hereby determine that the Government of El Salvador is making a concerted and significant effort to comply with internationally recognized human rights. I hereby determine that the Government of El Salvador is achieving substantial control over all

elements of its own armed forces. I hereby determine that the Government of El Salvador has made a good faith effort to investigate the murders of the six U.S. citizens in El Salvador in December 1980 and January 1981."

Based on your report, we now know that 48 days before this report was issued, allowing the continuance of American military aid to El Salvador, 700 men, women and children were massacred, babies were thrown in the air and caught on the ends of bayonets, children were machine-gunned as they slept, whole families destroyed. Twelve months before, four labor activists were machine-gunned in a hotel; 19 months before the assassination of Archbishop Romero.

It goes to the core, the very fiber of the ability of a free people to make informed judgments about the most central issues before our country, when in good faith Congress comes together with an American President asking only that we act based on the truth to be so deceived.

Some may choose to believe that it was simply a mistake of judgment that there was misinformation. I wish I could. You have done a great service not only to the people of El Salvador but indeed to the international community. Thank you for being with us today.

Our next panel, please. Will the witnesses please take their seats. If the audience would please be seated or leave the hearing room.

For our next panel, we are joined by Jorge Handal, Coordinator of the FMLN, accompanied by Salvador Samayoa and Ana Maria Martinez.

Mr. Handal, would you like to begin by making a statement? Welcome before the committee. We are pleased to have each of you with us. Any statement you would like to make at the outset, we would be glad to receive.

STATEMENT OF SCHAFIK JORGE HANDAL, COORDINATOR, POLITICAL COMMISSION OF THE FARABUNDO MARTI LIBERATION FRONT (FMLN), ACCOMPANIED BY SALVADOR SAMAYOA AND ANA MARIA GUADELUPE MARTINEZ

Mr. HANDAL [through translator]. First of all, thank you for the invitation.

Mr. Chairman, the peace process in El Salvador has brought invaluable achievements for the Salvadoran people. It could leave an important legacy for democracy in Latin America and for the future of United States' relations with other nations in our American continent.

IN IMPLEMENTATION OF PEACE AGREEMENTS, MUCH WORK REMAINS

Nevertheless, in the implementation of the peace accords, critical aspects needed to consolidate a stable and lasting peace still have not been complied with. In the first place, the purging of the army has not been completed and everything appears to indicate that the subordination of the military to civilian control is encountering resistance which threatens the future of democracy and the viability of the implementation of agreements regarding the armed forces. For example, the military leadership is obstinately preserving the political intelligence apparatus and files, despite clear provisions to

the contrary in the accords and in the amendments to the Constitution.

The armed forces and the defense ministry published a pamphlet on March 1 entitled "The Threat to Sovereignty and the Destruction of the State" in which in addition to reviving positions adopted during the cold war, they insinuate that they will forcefully oppose the Truth Commission report.

SERIOUS PROBLEMS PLAGUE NEW NATIONAL CIVILIAN POLICE

Along the same lines, it should be noted that numerous persons from the military intelligence apparatus and the dismantled public security forces have been transferred to important positions in the academy charged with preparing the policemen and officers in the new National Civilian Police Force, from which the accords and the Constitution exclude members of the military.

In addition to this deficiency, there are other suspicious and serious deficiencies in the admissions system, budgetary obstacles and other irregularities. All this has delayed and can qualitatively affect the organization of the National Civilian Police, which is so essential for democratization.

FMLN SUPPORTS TRUTH COMMISSION

The Truth Commission's report is a difficult test for the process. It is, in fact, an unprecedented step in the right direction, as it brings to an end decades of coverups and strengthens the possibilities of putting an end to the impunity enjoyed by civilians and military personnel with the power to trample on the entire society of El Salvador.

The FMLN fully supports the recommendations of the Commission and will contribute to generating a positive and mature reaction by the entire nation to this difficult but absolutely necessary test for the nascent Salvadoran democracy.

FMLN CONCERNED ABOUT SOME PROGRAMS IN PEACE ACCORDS

Regarding other matters, we are concerned about the land transfers and the programs for reintegration of former FMLN combatants into civilian life. Although these programs are established in the peace accords, the Government of El Salvador, alleging inflexibility in the terms of U.S. aid that support those programs, is imposing an excessively slow pace and creating multiple stumbling blocks to their compliance. This problem could be a source of new outbreaks of social conflict.

We also wish to express our concern in regard to the electoral process with particular reference to the register of citizens qualified to vote, as it is plagued with defects. Conditions are developing which could produce a massive exclusion of voters. This would certainly favor the governing party, Arena, and its allies.

IN NEW EL SALVADOR, ALL MUST COMPLY WITH ACCORDS

Mr. Chairman, we are convinced that all these problems can be overcome. It is important that all the accords be complied with faithfully, now that the FMLN has definitively abandoned armed struggle. In this way, we are guaranteeing that in El Salvador

today no one will conclude that arms are more effective than political struggle.

INTERNATIONAL AID IS CRUCIAL

In this context, the continuity of the political attention and economic aid which the international community has given to our country is vital. The U.S. military aid, if it is given, should continue to be contingent upon compliance with the peace accords and the full subordination of the military to civilian authority. Economic aid should be guaranteed, maintaining it to reinforce that same purpose.

We are also concerned by the proximity of the expiration of DED status, deferred enforce departure status, for tens of thousands of Salvadorans who live in the United States. Their abrupt and massive return to El Salvador would produce an enormous negative impact in the social and political arenas, and would without a doubt be counterproductive for the process of peace and democracy. We hope for an extension of DED which will benefit all Salvadorans and give the peace process a greater chance for success.

Finally, we would like to reaffirm our full commitment to peace and democratization in El Salvador. Thank you very much.

[The prepared statement of Mr. Handal appears in the appendix.]

Mr. TORRICELLI. Thank you very much, Mr. Handal. Thank you for your testimony.

Would you characterize your reaction to the Truth Commission's report as a total acceptance without any contradiction that you would offer? I pose these questions to everyone.

FMLN ACCEPTS TRUTH COMMISSION REPORT

Mr. HANDAL [through translator]. We fully support the conclusions of the Truth Commission, as we have said publicly. And we support and accept all their recommendations.

Mr. TORRICELLI. This means that you do not contradict any of the findings that they have reached with regard to the FMLN?

Mr. HANDAL [through translator]. Yes, that is true.

FMLN DOES NOT DENY MURDERING AMERICAN SOLDIERS

Mr. TORRICELLI. Do you understand that this is very difficult for us because it means we are sitting across from people whose organization participated in the murder of American servicemen? Was it indeed the policy of the FMLN that unarmed American servicemen in San Salvador were a legitimate target?

Mr. HANDAL [through translator]. During a long period of the war in El Salvador, the U.S. administration was totally and absolutely involved in the search for complete destruction and wiping out of us, of the FMLN. The restrictions that the U.S. Congress put on this assistance in El Salvador on the ground were not respected. In this context, the FMLN, even though it always observed special care in not affecting the personnel or the interests of the United States in El Salvador, it was very difficult to always observe this policy.

Mr. TORRICELLI. What I am trying to reach is whether murdering American servicemen sitting in a restaurant was within the policy of the FMLN or whether this is a rogue operation outside of operating instructions. The report concludes that these were the procedures of the FMLN and this was considered a legitimate target, and you have endorsed the report.

Mr. HANDAL [through translator]. Believe I was explaining this point. There was a period when the activity of the United States in relation to the Salvadoran military began to change, and at one point there appeared the route of negotiations, and the FMLN was very careful at that point with U.S. interests and personnel. And we should remember that during—in this respect during the offensive in 1989, remember the behavior of the FMLN in the Sheraton Hotel and also with the many family members of U.S. personnel who were living in the neighborhood of Escalone where we operated.

Mr. TORRICELLI. The report concludes that it was the policy of the FMLN to also engage in the assassination of local political leaders and notes the killing of particular mayors. This was indeed the policy, the strategy of the FMLN?

FMLN: FOCUS ON IMPLEMENTARY REPORT NOT DISCUSSING IT

Mr. HANDAL [through translator]. Do not really want to discuss the report of the Truth Commission. We have accepted it in full. Even though we may have different reasoning or justifications for some of the activities that are blamed on the FMLN, we don't want to get into polemics or discussions about the report because we don't want to weaken it or weaken its impact because of what it represents and how important it is for El Salvador. We must focus on carrying out the recommendations of the report.

Mr. TORRICELLI. We all want to see the recommendations of the report carried out, but part of the process of national reconciliation, both among the Salvadoran people and between the United States and the people of El Salvador is knowing the truth. I can only conclude from the report, the question I have asked, and your response to it, that indeed those were both policies of the FMLN during the course of the war.

THE UNITED STATES ABHORS THE SLAYING OF UNARMED CIVILIANS AND AMERICANS

It appears so obvious that I assume I don't have to tell you how most of us would feel about that and how we regard people who would murder unarmed civilian officials and American personnel. There are words for it in our vocabulary. You are our guests here today, and since you know what undoubtedly is on my mind, I will spare saying them to you.

I would, however, like to go to, as you have suggested, recommendations for the future.

Mr. SAMAYOA [through translator]. Mr. Chairman, I would like to say, with all due respect, if you want to go in this direction or enter into this area, you must understand how we feel sitting here before representatives of a government who financed, armed, fully supported, trained the Salvadoran military which was responsible for murdering thousands of Salvadorans.

Mr. TORRICELLI. I am not here to defend American support for the war in El Salvador. I didn't vote for it, I didn't believe in it, and I never wanted any part of it. I am suggesting to you that in our culture, as in yours, firing upon even servicemen seated at a luncheon counter who were engaged in no combat, not known to be doing any harm to anyone at anytime, or the civilian mayors of communities without regard to any actions they may have undertaken, is not, in my judgment, different in principle from the indefensible actions that we have just reviewed with members of the Truth Commission with regard to the Salvadoran military.

The Commission has made its judgment, you accept it and I accept it, but as a Representative of the American people, I could not in all honesty face you today, true to our commitments to the families of those young men who died, without looking you in the eye and at least letting you know what 250 million other Americans would say if they were seated here.

I would at this point either be glad to continue this conversation or I will move on to the report, if that would be to your preference.

FMLN PROPOSED THE CREATION OF THE TRUTH COMMISSION

Ms. MARTINEZ [through translator]. Before passing on to other points, I would just like to comment on the process of peace that led to the formation of the Truth Commission. It was the FMLN that proposed the formation of the Truth Commission. The process of negotiation was very long that led up to the Government of El Salvador finally accepting the Truth Commission. And when we proposed the formation of the Truth Commission, we knew that the FMLN needed to be investigated by this Commission as well.

And we accept totally the consequences of the work of the Truth Commission and you, yourselves, just heard from one of the commissioners that the FMLN cooperated in all regards, including around the cases that involve the FMLN.

Mr. TORRICELLI. I don't want my own personal anger about the fate that befell some individual Americans to take away from my respect for the fact that as leaders you both sought out an imaginative solution indeed with regard to the Truth Commission, one that will set an international model for settling disputes in the future, and my own personal admiration that I recognize the risks involved for you individually in leading an army back into political integration in your country.

I can intellectually separate my feelings about these individual cases from an admiration for people on each side of this dispute who, at great risk, have ended a war. I don't think that is at question.

FMLN AGREES 10-YEAR BAN MUST APPLY TO EVERYONE

Let me further ask, if I could, you to confirm that it is your own judgment that with members of the FMLN who were involved in any of these crimes cited by the Truth Commission, just as with the Salvadoran military, or others, that this ban should apply to all for 10 years in political involvement in Salvador, at a minimum.

Mr. HANDAL [through translator]. That is our position. We have said that this recommendation must apply to everyone, as the Commission recommends.

Mr. TORRICELLI. As I have listened to your reaction in the popular press, I have heard you allude that the banning from public life may not be sufficient. Is it your judgment that both with the FMLN cases and the Salvadoran military cases that you want to go beyond the report of the Commission?

Mr. HANDAL [through translator]. After analyzing the report, we have reached this position, the FMLN, that is: The report must be distributed and become known, especially in El Salvador. All the recommendations must be implemented.

The commission made an evaluation of the judicial system and judged it to be unreliable. They made judgments about the President of the supreme court and judges. Based on this reasoning, the commission said that justice could only be carried out in El Salvador based on a new system of administering justice. We are in agreement with that conclusion.

In reality, the commission has gone further than we were going ourselves.

THREE OPTIONS FOR ADMINISTRATION OF JUSTICE

Mr. TORRICELLI. Since in reality we have the Salvadoran justice system as it is, and reform of it will take place over time, hopefully with the building of democratic institutions, with a new leadership in future years that does not appear to deal with what we now know about the horrors of El Salvador in previous years, therefore, in going forward with this report, you have three choices: to use the justice system as it is, imperfect, to deal with the realities of these crimes; to accept the commission report and attempt national reconciliation by removing these people from the political process; or taking no further action, or hoping that one day a better justice system deals with these cases.

But that is a delay of justice.

I assume we would all like to see a greater accountability for these crimes, but the higher priority is probably national reconciliation. Your people have already suffered so much. What conclusion do you arrive at with regard to these choices?

CHANGES IN JUDICIAL SYSTEM MUST OCCUR

Mr. HANDAL [through translator]. We don't see the problem in quite the same way. These changes in the judicial system must take place. The argument about time, it will take time, is really an argument against making the changes. We believe that the changes can be made quickly.

Mr. TORRICELLI. They are not intended as an argument against the changes. My only point is that, as a foreigner, I am assuming that we must come to some closure on these cases or the nation will never heal. Either that is done through a legal process of prosecution over time or it is done now based on this report.

I am asking you, if you would, to definitively state, are you prepared to build the future of El Salvador based on this report, or do you want to go into a new process as you build a new judiciary with a higher level of punishment? I assume, for the purpose of judgment, we would like to have a higher punishment. But obviously you have to factor into this the factor of national reconciliation, what serves the nation's interest?

Mr. HANDAL [through translator]. There are various aspects to be taken into account. One is justice and the punishment of individuals. The other is the reform of the country and democratization. The Truth Commission report points in two directions. One is to assure that these kinds of acts are not repeated. We believe that that is the highest priority.

Some years ago the U.S. Government decided to support an effort in El Salvador to reform the judicial system. It did not achieve anything. This change in the judicial system can only be done with measures like those that the Truth Commission proposes. It is not a technical problem. It is a moral problem, a problem of principles and a problem of will.

These changes are either to be made or not made. There is no third alternative.

AMNESTY WOULD WEAKEN TRUTH COMMISSION RECOMMENDATIONS

With respect to the amnesty or pardon, we don't believe that this is the theme for today. This is not the theme of the moment. There are two reasons for this. One is that an immediate amnesty would tend to weaken the application of all the recommendations of the Truth Commission, particularly the reform of the judicial system; and second, because it would weaken the report of the Truth Commission as a basis for reconciliation, once people know the names of those who are in the Truth Commission's report and know that many of these people continue in positions of power, what they will feel is not reconciliation but fear.

So the first and most urgent thing is to apply the recommendations of the commission, remove them from power.

I would like to underline the difference in our case with the cases in other countries where amnesties were applied quickly. In the case of El Salvador, we are dealing with a very long standing culture of violence and repression against the civilian population. This isn't a brief period in El Salvador of repression. We have behind us a whole century of dictatorships. First, we had a dictatorship of landholders and later a dictatorship of the military. That covers the whole 20th century. The independence of the system of administering justice was completely asphyxiated in this period.

In Chile, for example, the government of General Pinochet was just a moment within a longer history of democracy, respect for rights and justice. So, in El Salvador, we need very deep, profound changes that send roots down.

So we believe amnesty right now is really a distraction from the main task. The moment will arrive to consider amnesty, but it is not now.

Mr. TORRICELLI. Thank you.

Mr. Smith.

Mr. SMITH. It has been a very enlightening and I think a very productive hearing. I do have a number of questions.

FMLN ACCEPTS COMMISSIONS FINDINGS OF VIOLENCE

Mr. Handal, a moment ago you spoke of the theme of the moment. I would respectfully suggest that such talk raises questions that the FMLN has pretty much a pragmatic view of the world; and yet the FMLN has accepted the Truth Commission, and that

commission's report rests on a basis of fundamental morality that kidnappings and murders and assassination are morally wrong and are not to be done.

FMLN policy, as my friend and colleague, Mr. Torricelli, pointed out, was to consider U.S. military personnel legitimate targets of attack. The submission itself points out that these killings were violations of international humanitarian law. The commission points out, again, that assassinations and disappearances and kidnappings during the war violated human rights and humanitarian rights, and charges that the FMLN committed these grave acts of violence in numbers of 400 known killings and 300 disappearances during those years.

My first question: Does the FMLN absolutely renounce those tactics? Do you consider them in retrospect to have been wrong, and speaking now and into the future, do you renounce such tactics?

Mr. HANDAL [through translator]. I would like to repeat what I said a little while ago that we really don't want to enter into a discussion on the report. We support without any excuses or qualifications the report of the Truth Commission and the recommendations, including regarding the FMLN. We also don't want to enter into this discussion with you here on a theme of morality.

There are many threads to be cut, so to speak, on both sides. Both yourselves and ourselves could enter into that.

Yes, we do want to be pragmatic. There was a war that had its causes and it developed and it ended with a just and difficult negotiation. The United States was involved during the war and in the negotiations. As such, we would like to see you as one of the parties that accepted the negotiations and its stipulations; if you want to reenter into the principles of conduct on both sides, that is the sort of distraction we don't want to get into.

FMLN CONVERSION TO A POLITICAL PARTY

Mr. SMITH. Since you choose not to discuss the morality of assassinations and things of that kind, since the future of El Salvador is a series of blank pages waiting to be written, does the FMLN renounce heretofore—forever, as is said in the commission, "cause the FMLN to renounce forever all kinds of violence"; does the FMLN accept that?

Mr. HANDAL [through translator]. I believe these are known facts, known deeds.

Mr. SMITH. There is nothing wrong with reiteration on some of these things.

Mr. HANDAL [through translator]. I think it is known that in accordance with the Chikobavik process, the FMLN has completed its demobilization and converted itself into a political party. In my original exposition, I went into various aspects that concern us now, from now forward, that relate to the democratization and rights in our country.

Our concerns are centered, of course, on the development of our country—the economic, cultural, political and social development of El Salvador. We really want to leave behind the stage of history that meant so much pain and suffering for the Salvadoran people for really a whole century. The Truth Commission was charged with investigating the past 12 years, when really the history of vio-

lence against civilian society in El Salvador has a much longer history, of decades.

We, yes, have renounced the continuation of any banned activity and we are going with or betting on the process of elections and democratization. The ideas, the concrete proposals that were put on the negotiating table, were all proposals that came from the FMLN.

DEMOBILIZATION AND SURRENDER OF WEAPONS

Mr. SMITH. I have two final questions. There have been reports from some individuals that the FMLN did not turn over all its weaponry in the demobilization. What assurances can you give to this subcommittee and, more importantly, to the U.N. that indeed the FMLN has truly demobilized and surrendered all its weapons?

Mr. HANDAL [through translator]. The only arms that have not yet been destroyed are a group of surface-to-air missiles that are in the hands of the U.N. Commission in El Salvador. But this is perfectly legal because the destruction of the surface-to-air missiles was linked to the completion of the process of purging of the army. And that agreement was made. We believe that these missiles will be destroyed soon now that Ponce has resigned and others among the 15 named officers, who are pending, are starting to move their positions.

As to the rest of the inventory of arms, the U.N. at this point is satisfied with the inventory and the destruction of those arms.

EXECUTION OF CIVILIAN MAYORS

Mr. SMITH. In the Truth Commission report it is noted that the general command of the FMLN approved the killing of civilian mayors and that the Peoples Revolutionary Army was responsible for killing a unknown number of commandants, of having responsibility for executions. One of those cited is sitting right here, if I am not mistaken, Anna Martinez.

Do you accept this report as being valid and the truth that you were indeed part of the execution of mayors in El Salvador?

Ms. MARTINEZ [through translator]. Yes, I accept this completely, including that our leadership, when we found out the Truth Commission was investigating this case, we wrote a letter ourselves and took responsibility for these actions.

Mr. SMITH. Is the number 11 in terms of the number of mayors that have been executed accurate, because the wording is "at least 11." I have heard numbers that exceed that; are there others?

Ms. MARTINEZ [through translator]. In our letter from EERP, the Peoples Revolutionary Army, we established a number of 11 that we gave to the Truth Commission, 11 we had killed. If there are other names that the Truth Commission heard evidence about, I don't know, but there are 11 that we have taken responsibility for.

Mr. SMITH. Just so I have an understanding—perhaps nobody else cares, but I would like to know—if you would, in killing mayors, what was the rationalization for that? Was it to demoralize a city or municipality or hamlet, or were they charged with some kind of crime?

Now, if I could add, the FMLN has agreed that democratization is a good thing and has agreed to want to participate in the proc-

ess, and yet mayors previously who participated in democratization were targeted for assassination.

Ms. MARTINEZ [through translator]. As regarding the mayors, yes, we ask it for demoralization purposes. We laid out before the Truth Commission what our reasoning was at the time, which was that the mayors were playing a role of political control and playing a role in the counterinsurgency process.

The Truth Commission, as they told you, did not accept this justification and considered these unarmed civilian targets.

Mr. HANDAL [through translator]. I may add something, that in the manuals, counterinsurgency manuals that the United States was using in their work with the Salvadoran military, that the advisors were using to advise the Salvadoran military in counterinsurgency tactics, the mayors were described as playing a key role. These mayors provided a lot of intelligence to the El Salvador military and formed networks of people to inform on the FMLN and caused us to lose many of our people.

Also these mayors were charged with organizing civilian defense units, which were armed groups that operated against the FMLN and also operated against civilians and caused many deaths and damage.

I also want to point out that not all the mayors accepted this role. The FMLN asked the mayors not to play this role and asked them to leave the FMLN areas of control. The great majority did so. Some of them persisted and organized aggressive actions.

But I repeat that we really don't want to get into questioning the conclusions of the report of the Truth Commission.

Mr. SMITH. But, again, as Ms. Martinez pointed out, the Truth Commission rejected that line of reasoning in relation to the mayors.

Mr. TORRICELLI. Mr. Royce.

U.N. CRITICISM OF FMLN ON DESTROYING OF WEAPONS

Mr. ROYCE. If you can illuminate one point for me: Last month the U.N. Secretary General criticized both the government in terms of compliance and the FMLN, specifically criticized you on the issue of disarming and destroying weapons.

Now, if I understand you correctly, the only weapons you have not destroyed are the surface-to-air missiles. Is that what the U.N. Secretary General meant in his criticism? Is that the only source of arms that he is referring to when he says you have not complied with the agreement?

Mr. HANDAL [through translator]. The Secretary General, first of all, made his request to the FMLN at the beginning of February. And we have completed destruction of the arms that he was referring to. He was referring to arms that were already under the control of the U.N. in containers. This process of destruction was concluded about 10 or 12 days after his remarks; and the U.N. made a declaration at that time that, yes, the arms that the Secretary General had wanted destroyed were completely destroyed at that time.

Mr. ROYCE. Thank you, Mr. Chairman.

OBSTACLES TO THE POLITICAL PROCESS

Mr. TORRICELLI. Just a few other thoughts, if I could. Are there any current obstacles to the formation of the political party and the reintroduction of the political process, of a significant nature, that you believe pose serious problems?

Mr. HANDAL [through translator]. In reference to the political party, it was delayed; but now, yes, the FMLN has been recognized, legalized as a political party.

Mr. TORRICELLI. In all the things necessary to establish yourselves, you have not encountered any obstacles so far?

Mr. HANDAL [through translator]. I could refer to a whole series of obstacles, yes, that were placed in our way in the process of legalizing, but they were all finally overcome. Once in a while there are incidents, but it is not a generalized pattern, so we don't present any demands on this point.

But in reference to the programs for the reintegration of our ex-combatants into civilian life, yes, there are serious obstacles.

ISSUE OF GOVERNMENT COOPERATION FOR SAFETY AND REINTEGRATION

Mr. TORRICELLI. That is my next question, the seriousness of safety issues about both your leadership and those that are coming back from their military service into civilian society. The nature of my question is the cooperation that you are getting from the government in helping to ensure their safety and the kind and frequency of incidents.

Mr. HANDAL [through translator]. In the peace accords, it was established that the Government of El Salvador had a commitment to provide security for the leadership of the FMLN. But in practice it was one of the accords most difficult to implement.

And in this process there have been advances, there have been regressions and more advances. It would take a lot of time to give you all the details of what are the various kinds of obstacles or that have been placed by the government in complying with this or escaping this responsibility.

Mr. TORRICELLI. I am trying to identify problems. Obviously, this is a continuing one.

Mr. HANDAL [through translator]. Even today there is not a law that has been passed in this regard, to cover not just FMLN leadership but the problem of security for all people who are at high security risk. It was agreed to have such a law and that has not happened.

For us, what is more similar is what is happening to the process of reintegration of our ex-combatants. We are talking about programs for training, for transfers of land, for scholarships and for credit.

Mr. TORRICELLI. In your judgment, has this been a question of a failure of goodwill or just the practical problems of implementation?

Mr. HANDAL [through translator]. Both.

DEMOBILIZATION AND REDUCTION OF ARMY

Mr. TORRICELLI. The pace of the army's demobilization, give me your sense of how satisfied you are or how much they may be off the pace that is required?

Mr. HANDAL [through translator]. On the reduction of the armed forces, this is how things have gone: Despite the fact that in the peace accords it was stipulated that the plan for reducing our armed forces should be made known to the FMLN, there have been all kinds of impediments to our knowledge of this plan.

We did know the general parameters of the reduction plan. We knew that the armed forces said it had 63,000 members at the end of the war and that the plan was to reduce this to 31,000.

Mr. TORRICELLI. Is it your impression that this is an acceptable pace of reduction?

Mr. HANDAL [through translator]. Yes, I was going to refer to what you are asking about. There was planned a 50 percent reduction, but it was not—one of the problems was that it was not possible for anyone, including the U.N., to verify if there were really 63,000 armed forces members at the end of the war. So the calculation of the 50 percent reduction isn't solid or clear.

Another aspect of this is that before the possibility that the U.S. Congress would withhold funds for noncompliance with the purging of the armed forces accelerated the process of reduction, so that they would have some funds available, also there was an accord that was established that there was to be a collection of all arms that belonged to the armed forces, but were in the hands of private citizens.

Mr. TORRICELLI. How was that done?

Mr. HANDAL [through translator]. There are thousands of these arms. That has not been complied with.

U.S. MILITARY AID TO EL SALVADOR

Mr. TORRICELLI. At all? The argument has been made that there is a justification for some American military systems for the Salvadoran Army because of the cost of demobilization and of monitoring the cease-fire. Do you accept this as a valid rationale?

Mr. HANDAL [through translator]. The monitoring of the cease-fire is the job of the United Nations, not of the armed forces, so we don't accept the argument for military aid. We believe U.S. military aid should be conditioned on full compliance with the peace accords.

Mr. TORRICELLI. We all agree to that, but do you accept that there is a rationale for any American military assistance to El Salvador? Do you oppose it, even if there is full compliance?

Mr. HANDAL [through translator]. We do not completely oppose military aid.

INTERNATIONAL OBSERVATION OF ELECTIONS

Mr. TORRICELLI. I assume you have a position in favor of there being international observers in the next elections in El Salvador?

Mr. HANDAL [through translator]. Yes.

Mr. TORRICELLI. Do you have a favorite organization or structure of how you think this should be done?

Mr. HANDAL [through translator]. Yes. Of course, we favor international observation of the elections. We have favored the U.N. as the monitoring organization and the Government of El Salvador now has accepted that as well.

FAIR ACCESS TO MEDIA

Mr. TORRICELLI. Are you gaining a fair access to the media, especially the government media, now with your reentry into the political process?

Mr. HANDAL [through translator]. We are, yes, participating in the press with some frequency, but of course there is a great imbalance. We did demand, for that reason, our own means of communication, and we did have two radios approved and a third authorized.

Mr. TORRICELLI. Are they operating?

Mr. HANDAL [through translator]. Yes, the two are operating.

Mr. TORRICELLI. The government television, are you getting fair treatment as far as access to television?

Mr. HANDAL [through translator]. In some more than others, but yes, we have some space.

We were also thinking of creating a corporation that would incorporate all means of communication the government controls, and wanted to assure them that the corporation will give access to all the political parties, but that was not achieved. This is pending, a bill about this.

Mr. TORRICELLI. I have been in electoral politics most of my life. That is as close as I have ever heard of a political figure thinking he was getting fair press.

ADMIRATION FOR ENDING CONFLICT IN EL SALVADOR

Your presence here today has been very helpful. Despite the years and the terrible conflict that has separated us, I want to make it clear, for my own part, how much I admire that despite all the suffering and all that we have seen in your country, that you were able to play a critical role in bringing this conflict to an end.

It is a special leadership that can lead their soldiers to lay down their arms and take up the cause of electoral politics again. My admiration for President Christiani, I think, is well-known; but I admire as well the role you have all been able to play in the history of your country.

I thank you for being with us today. I hope it is not the last opportunity.

Thank you for being with us today.

[Whereupon, at 5:34 p.m., the subcommittee was adjourned.]

THE PEACE PROCESS IN EL SALVADOR, PART II

TUESDAY, MARCH 23, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to call, at 3 p.m. in room 2172, Rayburn House Office Building, Hon. Albert Russell Wynn, presiding.

Mr. WYNN. Good afternoon, ladies and gentlemen. At this time we will begin the hearing. My name is Albert Wynn. I have the honor of standing in for our subcommittee chairman, Congressman Torricelli. The Congressman has prepared an opening statement which will be submitted for the record. It will be made part of the permanent record.

[The prepared statement of Chairman Torricelli appears in the appendix.]

Before we begin, I would like to recognize the presence in the audience of the Ambassador of El Salvador. We are certainly delighted to have you with us.

Since Mr. Torricelli will not be making an opening statement at this time, I would like to recognize Congressman Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. I appreciate this opportunity to hear from the General Accounting Office regarding their analysis of reconstruction projects in El Salvador.

I also want to welcome Cheryl Morden of Church World Service and Lutheran World Relief who recently returned from El Salvador.

SIGNING OF PEACE ACCORDS TO LEAD TO REBUILDING OF EL SALVADOR

The signing of the peace accords on January 16, 1992 was historic, Mr. Chairman. While the accords were the prerequisite for rebuilding Salvadoran society, they provided the framework whereby the country can be rebuilt. This reconstruction requires daily commitment from all levels—the elected officials in the Government, the ex-combatants, the FMLN, churches, community groups, nongovernment organizations and families.

Rebuilding society is always a tedious and arduous process most successful when generated from its core. The Salvadoran people themselves are best suited for restructuring and rebuilding their land. Yet, foreign groups and assistance from foreign governments can help provide the seed money, technical assistance, and more

suitable financial commitment to long-term projects and moral support needed to succeed.

Certainly, the United States has made a substantial financial commitment to reconstruction in postwar El Salvador. Reconstruction of the infrastructure, the reintegration of ex-combatants from both sides of the conflict, shoring up the fragile democratic tradition and developing viable indigenous organizations are all part of the mix to which the United States is committed. We must now find ways to encourage other governments to fulfill their commitment made to the Salvadoran people. I am hopeful, for the sake of the Salvadorans, that the upcoming donors' conference will result in real assistance, not just promises.

I commend the GAO for its investigation and the effectiveness of current projects. Mr. Chairman, I trust the final report of the GAO, as well as hearings such as this, will positively contribute to the reconstruction of El Salvador, and I look forward to hearing our witnesses today.

Mr. WYNN. Thank you, Mr. Smith.

Mr. Ballenger.

GENERAL PONCE

Mr. BALLENGER. Thank you, Mr. Chairman. Those of you that were here last week remember the hearing we had regarding the U.N. Truth Commission report on El Salvador. This past weekend my wife and I visited El Salvador and Nicaragua. During our brief visit, we met with President Alfredo Cristiani and General Ponce to discuss the Commission's findings. Our first meeting was with General Ponce, a friend of mine for many years. He swore to me on a Bible he did not order the killing of the six Jesuit priests in November of 1989.

He proceeded to explain, and was later confirmed by President Cristiani, that he was a pronounced enemy of General Bustillo. He, as you may know, is a member of the group of five military officers who have been accused of being the leaders of the assassination. Since Bustillo and Ponce hardly speak to one another, they certainly would not have collaborated with each other regarding the murders.

As you may recall, last week I asked the Truth Commission to name the accusers in the murder of the priests. The commissioners, however, refused to identify the persons for reasons of security. For all I know, the accuser could have been General Bustillo.

The peaceful transition and implementation of the unilateral peace accords and the reduction of the military was largely the responsibility of General Ponce and his office. Without his commitment and diligence for peace, it may have failed.

Ponce is a highly respected member of the El Salvadoran Army and is widely regarded as a friend of the people. Due to the recent accusations relating to the Truth Commission report, however, Ponce offered his resignation as a general in the army a week ago before the report was released. He resigned not as an admittance of guilt, but out of respect for Cristiani and the citizens of El Salvador.

PRESIDENT CRISTIANI'S CONCERNS WITH TRUTH COMMISSION REPORT

Our second meeting in El Salvador was with President Cristiani. He was very concerned about several points made by the Truth Commission. The constitution, with its currently realigned judicial system, states the President cannot remove judicial appointees which have not been convicted of a crime, even though the Commission requests new appointments. And besides, new judges will be elected in 1994.

The U.N. has proposed restricting individuals who have been removed from office from running for public office for 10 years. This destroys a guaranteed constitutional right of every citizen of El Salvador. Obviously, the U.N. doesn't have the authority to remove this right.

The Truth Commission stated amnesty should not be allowed, but the Geneva Convention, which El Salvador signed in 1949, mandates amnesty must comply with the accords.

President Cristiani has publicly commended the Truth Commission for its hard work, but has questioned the final conclusion of the report. He feels that it is unbalanced and heavily weighted against the military. Even the FMLN, said the report was unbalanced.

JUDICIAL SYSTEM DENYING ACCUSED RIGHT OF DEFENSE

In any judicial system, in any country, the accused has a right to face his accuser. In El Salvador, General Ponce has been denied that right. It is not right to degrade and denounce any person without themselves having the opportunity to respond and defend themselves.

I find it perplexing and completely unfair to accuse a person of murder and have it accepted as truth by the Commission, the national television, and the international press. It has always been my understanding, in accordance with the Geneva Convention, that someone is innocent until proven guilty by a court of law.

Thank you, Mr. Chairman.

Mr. WYNN. Thank you, Mr. Ballenger.

If there are no further opening statements, we will move right on to the testimony.

Mr. WYNN. We are delighted, as we begin to focus on the reconstruction of El Salvador, to have with us this afternoon Mr. Harold Johnson of the U.S. Government Accounting Office. He is accompanied by Ms. Nancy Toolan and Mr. Daniel Ranta.

Mr. Johnson, please feel free to proceed.

STATEMENT OF HAROLD JOHNSON, DIRECTOR, INTERNATIONAL AFFAIRS, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, U.S. GOVERNMENT ACCOUNTING OFFICE, ACCOMPANIED BY NANCY T. TOOLAN AND DANIEL E. RANTA

Mr. JOHNSON. We are pleased to be here today to discuss the work that we have undertaken in El Salvador at the chairman's request. Our work is still ongoing. We have made a couple of trips to El Salvador, late last fall and again earlier this year. We expect

to report more formally on the results of that work later on this summer.

I have submitted a fairly lengthy statement for the record, so with your permission, I will briefly summarize our observations.

PROGRESS TOWARD PEACE MADE IN JUST OVER ONE YEAR

I think it is extremely important that we keep in mind that it has been only a little over one year since the United Nations-sponsored peace agreement in El Salvador was signed after 12 years of bitter civil war. The reconstruction program is in its early stages, and while there have been problems and disagreements along the way, progress toward peace and economic reconstruction has been made. The FMLN and the Government of El Salvador are successfully negotiating the content and implementation of the national reconstruction plan. NGO's are playing an increasing role in implementing social development. The Municipalities in Action Program, known by its Spanish acronym, MEA, has funded over 1,000 critically needed projects at the community level; and mayors, local FMLN and other officials, and community residents we spoke with were generally positive about the program. Yet, serious problems continue to face the Government and the FMLN.

MONEY NECESSARY FOR RECONSTRUCTION IS SHORT

The overriding problem in El Salvador is money. Although the international donor community has pledged \$800 million for reconstruction, insufficient money has been forthcoming, particularly for areas such as public safety—the police program—and land redistribution that many believe are critical to the long-term success of the political settlement. The FMLN and the Government were assured by the United Nations that the international donor community would help pay for the cost of reconstruction, but both parties seemed to have unreasonable expectations of what could be done and when. In short, expectations for economic rehabilitation generated by the Peace Agreement seem to have outpaced fiscal realities. The Peace Agreement was intentionally ambiguous with regard to the reconstruction plan, but allowing for the details of the plan to be worked out at a later date has led to some of the problems being seen even today.

The solutions to differences between the Government and the FMLN on the plan's content are being dealt with through negotiations and concessions. The result of these negotiations, however, has been to expand some programs to the point that the costs exceed the resources available or anticipated. Negotiated solutions were reached without consideration being given to where the money might come from. For example, a United Nations-brokered settlement concerning land redistribution more than tripled the estimated number of beneficiaries to 47,500, creating a shortfall we estimate of at least \$61.7 million for land procurement.

AID has a higher estimate of the shortfall. They estimate around a \$90 million shortfall. Also, land is being provided without sufficient agricultural credit, which may cost another \$71 to \$255 million. The costs and sources of funding for other critical programs, like public safety, simply were not thought through when a commitment was made. For example, the new national civilian police

force is underfunded by at least \$23 million for operating costs in 1993 alone, and an estimated \$40 million is needed for equipment and facilities in 1993 and 1994, but no funding source is in sight.

As you know, the United States has committed \$250 million to pay for immediate and longer-term reconstruction needs over a 5-year period. This was essentially to be front-loaded to allow other donors time to provide funds they pledged. The problem now is that projects' funding requirements exceed what the United States has to spend. The United States is planning to redirect funds from some other planned reconstruction activities to take care of some of these unfunded needs but this has not been enough. While the results of the upcoming Consultative Group and European Community meetings later in April may provide some additional resources, at this point the outcome of those meetings is rather uncertain.

In the interests of time, I would like to comment on our main points.

GOVERNMENT AND FMLN NEGOTIATING ON RECONSTRUCTION PLAN

Developing and maintaining the national reconstruction plan has proven to be difficult. The Government of El Salvador and the FMLN have differed from the start on the content of the plan and how funds to implement it would be allocated, but both have been flexible and willing to settle their differences through negotiation on a case-by-case basis. While negotiations have taken time and some target dates have been missed and programs delayed, we do not believe that this has been a significant barrier to the overall reconstruction efforts. In fact, it is apparent that both sides have made significant concessions to make the plan work.

As I mentioned, some critical programs are underfunded, most notably public safety and land distribution. These are among the most contentious issues confronting the Government and the FMLN, "peace-stoppers" according to some officials with whom we spoke. Costs for these and other critical programs have increased substantially, mainly because of new agreements made to avoid breakdowns in the peace process.

INTERNATIONAL DONOR COMMUNITY SLOW TO RESPOND TO APPEALS

The El Salvadoran Government hopes international donor assistance will make up the shortfall for the public safety and land distribution programs, but officials from the United States, the United Nations, and other organizations have expressed doubt that such funding will be provided. Two appeals for funds have gone out to the international donor community to help fund the public safety programs, but no response was received. Little followup took place. Except for the European Community, donors have not provided or pledged funds for land redistribution.

World Bank and U.S. officials told us that some donors were hesitant to fund projects until the El Salvadoran Government and the FMLN have demonstrated their commitment to peace by reducing or demobilizing their military forces, and World Bank officials said that the Bank was also hesitant to encourage donors to fulfill pledges for this same reason. Additionally, according to U.S. officials, some donors expect the United States to fund highly visible,

politically risky project, such as public safety and land redistribution.

ASSESSMENT OF IMPLEMENTATION OF PROJECTS

The National Reconstruction Plan stipulates that the Government will use three means to implement reconstruction projects:

- (1) the Municipalities in Action (MEA) program;
- (2) nongovernmental organizations; and,
- (3) Government ministries and organizations.

Some NGO's that were once affiliated with the FMLN have been concerned that government funding decisions disproportionately favor the MEA and organizations that the Government used during the war.

Our assessment shows that as of January 1993, about 28 percent of funds approved went for NGO projects, 26 percent for MEA projects, and 47 percent for central government organizations' projects. Our work to date indicates that the Government has allocated funds based on the types of activity to be provided and the merits of individual projects, and has not necessarily favored one type of implementing entity over another in its funding directions.

INCREASED NGO PARTICIPATION

We found that over the last 6 months NGO participation has increased, and as factors that hindered earlier NGO participation are being resolved, the working relationship between the Government and NGO community has improved. For example, in June 1992, when we first went to El Salvador, 29 NGO's were approved to implement reconstruction projects funded either directly or indirectly by the Government. By February 1993, 45 organizations had been approved to receive \$11.5 million.

Nonetheless, few NGO's formerly affiliated with the FMLN are receiving funds directly from the Government. As of February only two NGO's formerly affiliated with the FMLN had received funds—a rather small amount of approximately \$176,000. However, 17 formerly FMLN-affiliated NGO's have received about \$2 million in funding through subgrants from other NGO's and organizations that are funded directly by the Government.

Many of the NGO's receiving direct funding could be considered pro-Government, but it should be recognized they also had prior experience delivering development assistance funded by the United States or El Salvadoran Government. While one can never be totally certain, we did not find evidence that the Government's selections were made for political reasons.

TOWN MEETINGS PROVIDING FORUM FOR MEA TO MEET OBJECTIVES

The MEA program is the main program used to provide assistance and promote democratic processes at the local level. However, because of its counterinsurgency role during the war, its use to deliver postwar assistance has been viewed by some with suspicion and distrust. Critics have said that it fails to encourage democratic processes and is inefficient as a delivery system. However, officials and residents in communities served by MEA told us the program is meeting its objectives. Open town meetings are being held to pro-

vide a forum for residents to discuss community needs, and from February through December 1992, 1,066 projects, valued at \$11.3 million were implemented in the 115 targeted municipalities.

In December 1992, we attended three town meetings and held extensive discussions in another 15 municipalities. Everyone we spoke with generally had a favorable view of MEA as a means of delivering assistance and promoting democratic processes. No one said or implied that MEA continued to carry a negative image from its past.

LAND REDISTRIBUTION

Let me turn briefly now to the problems associated with land redistribution. As I mentioned, the land redistribution program is severely underfunded. In addition, the Government has been slow in transferring land to recipients and the recapitalization of the land bank from loan repayments is doubtful, and insufficient agricultural credit is being made available to farmers receiving land.

Although 15,000 ex-combatants were to have received land by January 1993, only about 3,800 had actually received land as of mid-February 1993. About 179,000 acres are available to be transferred, which would provide land for about another 20,000 beneficiaries.

Several factors have contributed to the delay. The Government and the FMLN did not agree on the basic details of land transfer until the United Nations brokered an acceptable land agreement in 1992, and negotiations continue even to this day over the quality of land to be provided to FMLN beneficiaries. Also, the FMLN is required to identify potential properties and provide the Government with lists of beneficiaries, but this has not been completed.

AGRICULTURAL CREDIT COMMITMENTS ARE INSUFFICIENT

Agricultural credit might help farmers become self-sustaining and give them the ability to repay their loans, but the \$34 million committed from all sources satisfies only a small part of agricultural credit needs of farmers in the targeted areas. Based on AID data on the amount of credit needed per acre, we estimate that between \$71 and \$255 million may be needed to provide agricultural credit to the 47,500 land beneficiaries, not including credit needed by other farmers in the former conflictive areas who did not receive land through the land redistribution program.

Mr. Chairman, this concludes my remarks. We will be happy to respond to questions from the subcommittee.

[The prepared statement of Mr. Johnson appears in the appendix.]

Mr. WYNN. Thank you very much, Mr. Johnson.

You seem to indicate that the underfunding problem results from two basic factors: one, high expectations resulting from negotiation and the agreements that arose from those negotiations; and two, some reluctance on the part of international donors.

LOWERING UNREALISTIC EXPECTATIONS

The first question I have is, what is being done to lower those expectations so we can get—so the parties can have a more realistic assessment of what can be done?

Mr. JOHNSON. I think some of the agreements that have been negotiated, that have increased the costs, were probably done out of necessity in order to accomplish the demobilization; for example, the assistance being provided to the FMLN war wounded, some of the household goods kits that have been provided added to the cost. Our judgment is that those agreements were probably necessary in order to accomplish the demobilization.

It was a very difficult process that occurred. As you know, the demobilization didn't occur on schedule for some of those reasons. So I think it is probably inevitable there will be some shifts in funding.

PLEDGED FUNDS HAVE NOT BEEN FORTHCOMING

With respect to the problem that the Government has had in receiving monies that have been pledged from other donors, we have been told on a number of occasions that both our Government, as well as the U.N. and the World Bank, have been rather ineffective in pursuing this particular issue. We recognize that some of the pledges that were made were intended to come later on, and that was the reason for the frontloading of the U.S. program; but the best we can tell at this moment, very little of the additional monies that had been pledged have been forthcoming.

Mr. WYNN. What is the status of our commitment at this point?

Mr. JOHNSON. Nancy, can you speak to that?

Ms. TOOLAN. Are you talking about in terms of obligations?

Mr. WYNN. Yes. If we are doing the frontloading, where are we in that process?

Ms. TOOLAN. The latest data I got from AID showed that almost \$115 million of the \$250 million we plan to provide had been obligated to the Government of El Salvador as of March 9, 1993.

INTERNATIONAL DONORS RELUCTANT TO PROVIDE AID WITHOUT COMMITMENT TO RECONSTRUCTION

Mr. WYNN. You indicated, Mr. Johnson, that the donors were imposing conditions or suggesting conditions such as a reduction in arsenals as a condition for meeting their obligations.

Are there any suggestions—do you have any suggestions, rather, with respect to getting them to move forward, since we have begun to meet our obligations?

Mr. JOHNSON. Well, I didn't mean to suggest necessarily those were formal conditions that were placed. I don't believe that the agreements have been signed that would place formal, specific conditions.

What I indicated was that they generally have been reluctant to provide the money until they see a firm commitment. I think that firm commitment has been demonstrated. That is a view based on the work that we have done; but clearly, it seems to us that more could be done both by our State Department as well as the Treas-

ury Department officials to encourage other donors to move more rapidly on their donations.

For instance, the World Bank that chaired the March meeting, donors' conference, still has provided no new money; and it is our understanding that the structural adjustment loan that was initially intended to be disbursed during 1992 will now not be disbursed, at the earliest, until September of 1993, and possibly later depending upon the outcome of the election in 1994.

So it is a little premature for us to make firm, specific recommendations on what ought to be done; but it just seems to us that more could be done by our Government officials to encourage others to come forward with funding.

PUBLIC SAFETY AND LAND REDISTRIBUTION PROGRAMS CRUCIAL

Mr. WYNN. Thank you.

One final question: Given what you have just said, are we in danger of a deterioration of the peace process as a result of these shortfalls in funding?

Mr. JOHNSON. As I indicated in my summary remarks, people have told us that the two programs that are critical to the peace process—the public safety, the civilian national police and the police academy, as well as land redistribution are, in their terms, peace-stoppers. Now, people that have been watching El Salvador for a very long time have told us—and I respect their judgment—that it is very clear that the FMLN had a strong concern about public safety during the negotiation process for the peace accords.

If the national civilian police force fails to take root and be implemented, I think there may be serious repercussions. Similarly, with the issue of land redistribution. That was one of the root causes of the conflict in the first place. Good faith has been demonstrated on both sides. That good faith, it seems to us, needs support from the world community.

Mr. WYNN. Do you have a timeframe in terms of when this problem might really come to the forefront?

Mr. JOHNSON. I don't have an exact timeframe, but with the public safety program, timing is rather critical. As I indicated, they are short of operating funds for 1993. They are short of equipment.

We did a quick study last fall of whether or not some of the equipment—handguns, vehicles, et cetera—that have been provided through our military assistance program might be made available to the civilian national police. What we found is, there is very little of that type of equipment available; most is in rather poor condition.

To send a police force out to do a job in a country with the kind of history El Salvador has had—a force that is poorly paid, has no equipment, few vehicles, no radios, no basic kind of law enforcement equipment, I think is probably a high risk and ought to be looked at fairly quickly.

Mr. WYNN. Thank you, Mr. Johnson.

Mr. Smith.

POLICE ACADEMY GRADUATES 600 NEW RECRUITS TOWARD GOAL OF
10,000

Mr. SMITH. Thank you very much, Mr. Chairman.

Mr. Johnson, in followup to that question, you pointed out 600 police recruits have been graduated?

Mr. JOHNSON. Yes.

Mr. SMITH. What has happened to them? How quickly does one go through that academy and achieve graduation?

Mr. JOHNSON. We understand that the graduation took place subsequent to our visit in El Salvador, but we did followup with the officials here in Washington on that matter. We understand that the 600 have been deployed. We also understand that there was a strong reaction at graduation time when some U.S. officials were at the police academy, and the concern was that they are so poorly paid and lack equipment.

I don't know that we have specific information about where they are deployed, but our understanding is that they are operational.

Mr. SMITH. How many more are up and coming?

Mr. JOHNSON. You asked about the length of the session. I think the sessions are about 3 months long, but I would have to check that.

There are continuing follow-on classes of 330 people, 300 or 330 people; and they will be continuing over a period of time. The goal is to have, within 2 years, 5,700 policemen trained; and within 5 years, to have a full 10,000 force.

Mr. SMITH. Is 10,000 the goal?

Mr. JOHNSON. Ten thousand is the goal, yes, sir.

LISTING OF DONOR PLEDGES TO RECONSTRUCTION OF EL SALVADOR

Mr. SMITH. You point out that only three donors have provided money for police and academy activities: The United States has provided \$20 million; Spain, \$1 million, and Norway, \$350,000. Do you have a list of other prospective donors?

Mr. JOHNSON. There are no other prospective donors.

I misspoke earlier. The training course is 6 months.

Mr. SMITH. The \$800 million that has been offered up in pledges—is that correct?

Mr. JOHNSON. Yes, sir.

Mr. SMITH. Do we have a listing of those nations, how much they have pledged?

Mr. JOHNSON. Yes, we do. We can supply that for the record.

[The information appears in the appendix.]

PLEDGES NOT FORTHCOMING

It is a little difficult to get firm figures on how much has been forthcoming from that, but as best we can tell, the documentation we have seen indicates that very little has been forthcoming. As I indicated earlier, it was intended, when they made the pledges, that there would be some delay. From what we have been told, some other donors have more lengthy bureaucratic processes for getting funds out, even than the United States, that we are fairly fast in responding with money.

Mr. SMITH. Does the U.N. have the expectation this money will be forthcoming, or is it a sense that with all the other crises and trouble spots around the world, there is a—you know—a reluctance on the part of the donors to fulfill their pledges?

Mr. JOHNSON. I think the expectation still is that the funds will be forthcoming and additional funds will be pledged at the Paris Conference, I believe, the first of April. But there is a concern about the draw on the world donor community; there are a lot of other crises going on around the world at the moment.

Mr. SMITH. Did you get the sense there needs to be a bridge donation made from this country, just so we do not see a collapse of—as my friend pointed out a moment ago—this peace process could become unraveled?

Mr. JOHNSON. I don't think we have gotten to that point in our evaluation. It appears, in looking at the numbers—and I indicated that AID has shifted money from programs that were initially targeted to make up for the stopgap. I think there is probably still some flexibility in that. We have not completed our evaluation of that matter.

FAIRNESS BY SALVADORAN GOVERNMENT FOUND BY GAO

Mr. SMITH. In reading your testimony last night, I came away with the sense that in terms of political will and intent, notwithstanding the serious shortfalls in funding by the international donors, this is one of the cleanest bills of health I have seen in a GAO report with regards to the Government and those participating in terms of intent.

As you pointed out, the FMLN—while the case has been made at times, or the criticism lodged, that their NGO's are not getting sufficient funding, you point out you could not find evidence the Government's selections were made for political reasons.

I think that kind of reassurance from the independent-minded GAO helps the process, since you have looked at it independently.

Mr. JOHNSON. We tried to be very careful with that wording. Proving a negative is always very difficult. We did not find that evidence. But as a caution, we also noted that you will never know for sure. I think that is something that has to be carefully watched.

TRUTH COMMISSION CHART ON MURDERS AND DISAPPEARANCES

Mr. SMITH. Mr. Chairman, I would ask as a followup to part one of this hearing that unanimous consent be granted for the record that a graph put together by the Truth Commission, showing the number of murders and disappearances per year in El Salvador, points out the disappearances continued throughout the 12 years, as we all know, as well as murders.

The number did decrease dramatically, beginning in 1983 and 1984, following U.S. involvement in training of the military. I would like to make that part of the record.

Mr. WYNN. Without objection.

[The information appears in the appendix.]

MESSAGE BY PRESIDENT CRISTIANI

Mr. SMITH. Also a message by President Cristiani on March 18, 1993, which I think will help fill the record with additional insights.

Mr. WYNN. Any objections to the entry into the record of this material?

[The information appears in the appendix.]

Mr. SMITH. Mr. Chairman, I thank you for yielding. I yield back the balance of my time.

Mr. WYNN. Thank you, Mr. Smith.

Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

BREAKDOWN OF \$250 MILLION IN U.S. AID

My first question is, of the \$250 million the United States has obligated, what is the breakdown? For what purposes is it to be used?

Mr. JOHNSON. We can give you that in just a second.

Ms. TOOLAN. What I will tell you here is the breakdown originally planned of the \$250 million. Then if you want to talk a little bit about how it has been shifted, I can do that also.

Of the \$250 million planned—and again the \$250 million is coming from several sources—\$35 million comes from ongoing AID projects already on the books in AID's portfolio. They are redirecting activities into the 115 targeted municipalities. Another \$35 million is from host country-owned local currency; the rest is AID's dollars. Of the \$250 million, \$4 million was planned for what they called immediate conflictive zone relief; \$8 million for ex-combatant assistance; \$157 million for social and economic reactivation in those areas; \$15 million for land transfers, \$10 million for program audit, and \$56 million for infrastructure restoration.

The way we have calculated, since that original plan, about \$48 million has been redirected under the \$250 million project from one activity to another.

Again, at the time we were working with AID in December, these were all planned and anticipated and not final agreements in terms of redirections. So at this point, the immediate conflictive zone amount is about the same. It is down to \$3.5 million.

Mr. MENENDEZ. The first list was the original plan for the \$250 million?

Ms. TOOLAN. Right.

REPROGRAMMING OF AID

Mr. MENENDEZ. These numbers are what, the changes from that original plan?

Ms. TOOLAN. The changes, right. The way the original plan was, that you saw, there was the amount that was for ex-combatants. They had specifically two activities planned for ex-combatants; that was social reintegration counseling and scholarships. The rest of the activities and services available to ex-combatants would come under another project component, under the social reactivation component.

What they have done in terms of the reprogramming for ex-combatants is move a lot of those activities as they became needed for ex-combatants, as special beneficiaries, up to the ex-combatant component. What I did in our calculations was to look at the net effect. In other words, just because money for vocational training now is under the ex-combatant component—it was originally included in the social and economic reactivation component. I am talking here about net increases for the different components.

As I said, immediate conflictive zone, \$3.5 million; ex-combatant assistance, \$15.3 million.

Mr. MENENDEZ. That is an area of increase?

Ms. TOOLAN. Yes, an area of increase.

Although, if you look at their project plans, you will see about \$82 million for ex-combatants, but some of that originally was included in the other components. I am talking here, net increase.

Social reactivation is \$85.4 million, approximately. That is a decrease. Infrastructure is decreasing down to \$27 million; program audit and management, \$14 million. For the six activities that were going to be for civilians and ex-combatants, when you looked at what was originally planned under the social reactivation and land transfer components, and how it split out now, the funding increased from \$68.6 to \$104.8.

I can provide a table on this for the record, if you would like.

[The information appears in the appendix.]

Mr. MENENDEZ. What about land transfers?

Ms. TOOLAN. Land transfers, originally AID was going to put \$15 million in for land transfers.

What has happened, they have moved most of that up under their ex-combatant assistance. The total AID contribution now is about \$50.2 million. That is coming from—go ahead.

BREAKDOWN OF EXPENDITURES OF U.S. AID

Mr. MENENDEZ. Of the \$115 million you say has actually been obligated, how does that break down? How have you expended the \$115 million?

Ms. TOOLAN. OK. About \$3.7 million has been obligated for immediate assistance; \$16.6 million for ex-combatants; \$67.7 million for social and economic reactivation; \$12.3 million for land transfer; \$10.6 million for infrastructure; and \$4 million for program audit.

Mr. MENENDEZ. What is your \$67 million figure for?

Ms. TOOLAN. Social and economic reactivation. Those are programs out in the local community, basic civilian programs.

Mr. MENENDEZ. Now what does the police civilian efforts, get categorized under?

Ms. TOOLAN. That is not included in any of this. It is not part of the \$250 million pledge.

Mr. MENENDEZ. Where is that money coming from?

Ms. TOOLAN. The \$20 million for police was coming from the demobilization and transition fund monies, before the remainder was transferred over to AID.

REASONABLE SPENDING OF U.S. AID

Mr. MENENDEZ. My reason for asking for specific numbers is—both the civilian police and the land transfer—two major issues tied to demobilization and to continuing peace efforts—are we spending, first of all, our monies in the right way?

Mr. JOHNSON. I think that AID needs to take a look, and they have been continuing to look as these needs arise to make adjustments to their original plan. It seemed to us that the allocations that had been made in the original lineup were probably reasonable, given what they knew at the time; but obviously, it was unknown at the outset how much would be needed for land redis-

tribution. That came as a result of the U.N.-brokered agreement. In fact, even today there is some uncertainty about the reliability of the budget numbers that have been presented for the police force, as well as the police academy. So it is hard for us to be too critical of AID for the way they have made those allocations, and they are demonstrating flexibility to move money to where it seems to be needed.

So that is a long response to your question whether or not they made the right choices in the first place. But I think they did.

Mr. MENENDEZ. Well, my concern is not so much did they make the right choices in the right place. There are uncertainties involved in making a priority listing, but they have been changed. You have told me they changed the figures.

PRIORITIZING LAND TRANSFERS

Now, the figures have been changed in such a way that land transfers are down by a couple of million dollars. And the point is: if this is one of the major issues, are we having the time to see what are some of the major stumbling blocks toward ultimately achieving our goals? Are we spending our money in the correct way? Should not the land transfer be heightened in terms of the priority of the dollars we are spending?

Mr. JOHNSON. Yes. I think it should.

Mr. MENENDEZ. OK. So if that is the case, then is there something in your report that indicates that?

Mr. JOHNSON. Well, what our report indicates is that for land transfers—initially, AID had only allocated I believe \$15 million. They have added to that almost \$30 million. It is up now to a little over \$50 million. So they are moving the money.

Mr. MENENDEZ. Maybe I didn't get the numbers right. You gave me an original \$15 million by Ms. Toolan under land transfers for the original \$250 million distribution and then gave me, under the adjusted figures, a \$12.3.

Ms. TOOLAN. That was the obligation to date.

Mr. MENENDEZ. And then——

Ms. TOOLAN. From the \$250 million.

Mr. MENENDEZ. What is the change, then, from the \$15 million original under the \$250 million plan to?

Ms. TOOLAN. The total right now that AID is dedicating to land is \$50 million.

Mr. RANTA. It is \$50.2 million.

Mr. MENENDEZ. Gone from \$15——

Ms. TOOLAN. But that is coming from other sources as well.

Mr. MENENDEZ. When you say other sources, what does that mean?

Mr. RANTA. One thing to help answer your question Mr. Menendez, just to clarify the fact that the \$15 million that was originally to be directed toward land transfers was to be spent over 5 years. So this would surely indicate that by front-loading, in other words, by spending \$50 million now, AID has increased land transfer funding, showing the flexibility to increase its funding for land transfers and recognizing that that is a significant problem now.

Mr. MENENDEZ. You are suggesting that we are going to spend \$15 million over 5 years—\$3 million a year?

Mr. RANTA. Yes, that was AID's original projection.

Mr. MENENDEZ. Well, certainly that wasn't a good estimate.

Ms. TOOLAN. Well, at the time—

Mr. MENENDEZ. To believe that under the FMLN one of their major issues was the land issue and to believe that \$3 million a year was going to make any significant impact on our behalf and fundamental of seeking peace here, that couldn't have been a good estimate. I could have given a better estimate.

Mr. RANTA. I would agree with you. There are two factors that need to be taken into consideration. First, at the time of AID's projection, there was no indication of the size of the October 1992 U.N. brokered agreement that we mentioned earlier, which more than tripled the number of recipients that were going to receive land. Second, AID had calculated early on that the land prices would be significantly lower than they are right now.

NO FUNDS OBLIGATED YET BY OTHER COUNTRIES

Mr. MENENDEZ. Let me just ask two questions, not that I am particularly satisfied with what I hear, but I will pursue it at another time. With reference to the \$800—is it \$800 million that other foreign countries have obligated?

Mr. JOHNSON. Well, the \$250 million that the United States pledged is included in the \$800 million.

Mr. MENENDEZ. So the \$550 million that is foreign obligated, how much has been actually obligated by foreign countries?

Mr. JOHNSON. The best we can tell, none.

Mr. MENENDEZ. None. When we talked about front-loading, did we have any time periods here?

Mr. JOHNSON. Well, the general time period was over the first 2 years. It was understood that AID money would spend out more rapidly in the first 2 years and it would probably take the other donors about that length of time to get geared up.

Mr. MENENDEZ. Two years from the commencement of what difficulty?

Mr. JOHNSON. Two years from the time the funds were pledged, which was March of 1992.

Mr. MENENDEZ. So this is the time that we should be seeing greater dollars come from foreign countries?

Mr. JOHNSON. Yes.

PLANS FOR FUNDS FROM OTHER SOURCES

Mr. MENENDEZ. Now, do we have any hopes on whether those funds are going to be forthcoming since we are talking about the end of the front-loading period?

Mr. JOHNSON. Yes. The Inter-American Development Bank and Japan are planning to cofinance a project that has been approved, a water project and an electric generating project. I believe the total value of that is about \$250 million with Japan providing \$80 million and IDB providing \$170 million.

Mr. MENENDEZ. The \$250 million, is that part of this \$550 million that you are referring to? Can I ask you something?

Mr. JOHNSON. Yes.

Mr. MENENDEZ. If again civilian police and land are two major issues for demobilization and peace efforts, are you telling the committee that, as it relates to the other countries, that those are two areas that they do not intend to participate in?

FUNDS FOR POLICE AND LAND REDISTRIBUTION

Mr. JOHNSON. The pledging that occurred in March last year did not include budgets for police. And that goes for the U.S. funding as well, as Nancy had indicated. The \$20 million that the United States has provided so far for the police and the police academy have come out of the demobilization and transition funding which is over and above the \$250 million.

Our understanding from numerous people that we have talked to, other donors are reluctant to provide money for public safety activities, either because it would not conform to their own legislation or just because they don't like to fund these types of projects.

The same is somewhat true with regard to land redistribution. That is a volatile issue and we have been told that the international donor community does not like to provide funding for those types of activities. Most donors like to provide funds for projects that you can feel, see, and touch, like the electric generating facility or water project or something of that nature.

So when we talk about the need for funds for some of these other kinds of projects, particularly the police and land redistribution, it is doubtful whether we can count on any of that other donor money being used for the police.

Mr. MENENDEZ. Which means that we have a tremendous shortfall in the two major areas?

Mr. JOHNSON. Yes.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. WYNN. Thank you, Mr. Menendez.

Mr. Ballenger.

SETTING VALUES ON LAND

Mr. BALLENGER. Thank you, Mr. Chairman.

I was just curious. Did AID or anybody else have any guesstimate as to how much the value of land jumped when they heard that there was going to be a redistribution with cash payment for the land?

I know I was just reading your statement that the government is giving \$18 million worth of land.

Mr. JOHNSON. Right.

Mr. BALLENGER. But you mentioned the fact that they misguessed as to what the value of the land was.

Mr. JOHNSON. I would like Dan Ranta to answer that question. He dealt extensively with the people on the land program and I think he has a pretty good feel for it.

Mr. RANTA. Well, at the time of the U.N. brokered agreement, which came out on October 14 of 1992, they put into their equation that land would be valued at \$600 per manzana. One manzana is equal to 1.75 acres.

According to AID figures we received recently, land is being transferred at \$715 per manzana. Two things actually are impacting on this going up. One is that the FMLN is demanding that they

receive higher productive type land and the other is that there is a certain amount of inflation right now.

Mr. BALLENGER. That would make sense. It is too bad that I know that the ex-combatants in El Salvador were donating land that you couldn't use at all. I know somebody wouldn't want a creek bed if you could avoid it.

POLICE CLASSES REQUESTED BY FMLN

I would want to press on what I learned over the weekend. Those classes of police were requested by the FMLN and that is where they have been located for protection to that. And I think it is great.

Just an interesting statement that was made to us over the weekend. One of our friends who works for AID stated, "I would never in my lifetime have thought that I would be buying supplies for the FMLN," but he is.

I basically think that it is a rather positive thing and I think your statement itself, except for a few financial miscalculations by AID, has turned out fairly well, I think, if there is a successful story that U.S. foreign aid and U.S. assistance has created anywhere in the world.

When you start naming off the ones that have failed, it is great to find one that really turns out to look like a success like El Salvador because I know the economy is growing substantially. I don't know if it is because our money supply stopped flowing or what effect we would have on their economy.

Their economy is going great guns. And I just would like to thank you for your report.

Thank you, Mr. Chairman.

Mr. WYNN. Thank you, Mr. Ballenger.

Thank you, Mr. Johnson, Ms. Toolan and Mr. Ranta.

We have as our next witness Ms. Cheryl Morden of Church World Service and the Lutheran World Relief.

Ms. Morden, as soon as our panelists are moved out of the way, you can come right up. Thank you for joining us, and why don't you just proceed with your statement.

STATEMENT OF CHERYL MORDEN, ASSOCIATE DIRECTOR FOR DEVELOPMENT POLICY, CHURCH WORLD SERVICE AND LUTHERAN WORLD RELIEF

Ms. MORDEN. Good afternoon, Mr. Chairman, and members of the committee. My name is Cheryl Morden and I am the Associate Director for Development Policy for Church World Service and Lutheran World Relief.

I want to thank you for holding these hearings on the peace process in El Salvador. The success of the process still rests very heavily on the continued interest and vigilance of the international community, including the U.S. Congress and this committee.

PROGRESS IS BEING MADE

I was in El Salvador recently during the week of March 7. While there, I had an opportunity to speak with a variety of government officials and nongovernmental representatives about the economic recovery and rehabilitation currently under way. I have visited El

Salvador three times in the last 13 months and have witnessed remarkable changes during that period.

El Salvador today is teeming with activity as people there throw themselves into the task of restoring the damage caused by the war, of addressing the war's social deficit, and working to build a better future.

The new construction that you see at every turn offers visible evidence of progress. There has been progress as well in other less visible areas, but this has gone much more slowly and serious problems and challenges remain. These problems are likely to intensify in the period leading to next year's elections.

In my summary, I would like to assess briefly the progress in peace-building process related to social and economic recovery and development, talk about specific activities of nongovernmental development organizations, and then mention concerns and recommendations regarding U.S. policy in this area.

I ask that my full statement be entered in the record.

ECONOMIC PROGRESS MADE THROUGH CONSENSUS BUILDING

During the past year, the U.N. observer mission in El Salvador, ONUSAL, and the U.N. Development Promise, UNDP, have been involved in mediating and implementing key elements of the peace process related to economic recovery and rehabilitation. Their approach has emphasized dialogue, consensus building, and participation.

These efforts have provided a successful model of consensus building and collaboration that has helped to establish a climate more conducive to further dialogue.

Several major new programs have also been launched that are based on broad-based participation and consensus building. I would mention in particular a \$37.5 million, 6-year agricultural development pilot program in the Department of Chalatenango which has been organized and financed by the International Fund for Agricultural Development.

This program and others will make it possible within a short period to begin to evaluate a variety of institutional arrangements and program approaches which should help to determine the most effective approach to sustainable development and genuine democracy in El Salvador.

This is particularly important because institutional reform is one of the major tasks in the peace-building, post-conflict period and one that has been a subject of controversy in El Salvador.

DEBATE OVER THE ROLE OF NONGOVERNMENTAL ORGANIZATIONS

The early months of the postwar period included a heated debate over the role of nongovernmental organizations in economic recovery and rehabilitation activities. Many of the NGO's with experience working in the former conflict zones sought an institutionalized role in the formulation of an overall strategy for recovery and rehabilitation that they believed would lay the groundwork for more equitable long-term development.

No accommodation was reached with the government on this point as the government viewed the NGO's primarily as non-bureaucratic, inexpensive social service providers with limited pro-

gram capacity and serious managerial and fiscal accountability processes.

These organizations have in fact won a broader role in decision-making in a limited number of ways during the past year. But the participatory mechanisms that have been initiated were agreed to by the government at the initiative and sometimes the pressure of the international community.

These mechanisms do offer the possibility of real empowerment and deepening democracy with all the political unpredictability that comes with genuine democracy. Whether these mechanisms will be allowed to be consolidated represents a test of the commitment of the government and its international supporters to the flowering of full-fledged democracy in El Salvador.

On an operational level, a variety of factors have compelled a broader range of NGO's to seek accommodation with the government and to begin to negotiate terms for the use of official funds.

In most cases, these have been small grants, sometimes received directly from the government and sometimes through umbrella grants. NGO's have launched other economic recovery and rehabilitation programs using funds from European, Nordic and Canadian sources.

At the same time, the NGO's are undergoing extensive organizational changes including, among other things, a very heavy emphasis on training and capacity building with the support of their international partners; greater operational collaboration among and between various organizations; the development of new methodologies that emphasize self-help rather than handouts; and efforts to articulate new organizational models and new development strategies both at the macro and micro levels.

IMPROVING COOPERATION BETWEEN GOVERNMENT AND NGO'S

In taking stock, I would say that while some greater degree of cooperation has been achieved between the Salvadoran Government and the NGO's, much more is needed. Despite the progress made, one cannot conclude that the two have established a working relationship based on mutual recognition of the appropriate division of labor between governmental and nongovernmental organizations. This should be given a significantly higher priority within the Secretariat for National Reconstruction.

The reason for the slow progress in this area has to do in part, I believe, with the lack of understanding in the world and the phenomenon of NGO's on the part of the government, as well as the overriding emphasis on their inability to meet fiscal accountability requirements.

Other donors have developed methods for working in partnership with NGO's in social and economic peace-building activities, even as they seek to help them develop further their operational and managerial capacity.

The challenge of normalizing relations is much more difficult in the climate leading to the 1994 elections. It is important that donors be aware of the potential political impact of their aid and make whatever adjustments are necessary to assure that their assistance is nonpartisan.

The need to establish the basis for equitable, sustainable basis in El Salvador dictates that not only the government and the NGO's establish a constructive working relationship, but the broader question of popular participation be revisited.

INTERNATIONAL DONORS AND SUSTAINABLE PROGRAMS

International donors make an important contribution in this regard. USAID's approach to popular participation in El Salvador has focused on the Municipalities in Action or MEA Program. It is important, as part of the AID's participation in post-conflict peace building, both to evaluate MEA and to move beyond MEA to a more thorough review of AID methodology. Important lessons concerning AID and participation could be learned from the experience of the Development Fund for Africa.

Finally, the peace-building process in El Salvador deserves careful monitoring and evaluation both to assure that the resources coming into the country are being used effectively for programs that are sustainable, as well as to preserve the lessons of this experience that may be useful to other post-conflict situations.

RECOMMENDATIONS

In conclusion, I would like to make a few specific recommendations.

First, U.S. economic aid to El Salvador should be conditioned on full compliance with the provisions of the peace accords.

Second, USAID should undertake an evaluation this year of the Municipalities in Action Program involving evaluators well-versed in issues of popular participation, as well as representatives of Salvadoran NGO's and U.S. PVO's.

Third, the United States should configure its assistance in the coming year in a way that minimizes its partisan political impact.

Fourth, AID should contract with an agency with demonstrated experience in the area of popular participation to establish in El Salvador a Learning Group on Popular Participation.

And fifth, the U.S. delegation to the April 1 World Bank Consultative Group meeting on El Salvador should support the suggestion made at last year's meeting that the Bank establish a monitoring mechanism to assess the impact of the National Reconstruction Plan.

Mr. Chairman, the final success of the peace process will be measured by the degree to which the peace accords and subsequent peace-building efforts create the possibility of greater equity and well-being for the majority of poor Salvadorans. I urge this committee to make this concern a priority.

Thank you.

[The prepared statement of Ms. Morden appears in the appendix.]

CONDITIONING AID ON IMPLEMENTATION OF TRUTH COMMISSION REPORT

Mr. TORRICELLI [presiding]. Thank you very much and thank you for your testimony. Is it your testimony that you believe American

foreign assistance of all kinds should be conditioned on the full implementation of the Truth Commission Report.

Ms. MORDEN. I believe certainly a portion of economic aid. I believe a judgment would need to be made about what portion would be effective, but I think that the point is that the economic aid which is intended for long-term reconstruction and development can only be effectively used in the context of successful implementation of a peace agreement.

Mr. TORRICELLI. I think we all recognize that withholding military assistance until the Truth Commission Report is implemented makes perfect sense. The United States does not want to participate in support of the military establishment that is continuing to harbor people who have committed these crimes.

But it would seem to me that withholding any other economic assistance would mostly punish vulnerable people in El Salvador who have already been victimized by the war and by those who committed these acts of atrocities. Withholding that assistance is unlikely to add any punishment to those in the military establishments who committed these offenses.

Ms. MORDEN. I would think of it less as a question of punishment and more as the effective use of U.S. assistance and that it is—

Mr. TORRICELLI. I understand that, but when you threaten to use leverage, you have to be prepared to live with the consequences of exercising it and you haven't made the suggestion. I want to make sure that you really believe that, if we have to exercise leverage and economic development assistance is withheld, you are going to like the consequences, given the state of the economy and those who are in need would suffer from its being withheld.

Ms. MORDEN. Well, I think that clearly would not be the only measure that we would take, and it would be important to be working in the process to try to resolve and see that the accords are fully implemented.

Mr. TORRICELLI. Are you including in this the recommendations with regard to the replacement of the Supreme Court or just the naming of those who should be retired from military service?

Ms. MORDEN. Well, I have not specified that degree of detail. I think that these are issues that have to be worked out within the peace process themselves with the presence of ONUSAL and through the mechanisms that have been established such as COPAS.

So I would not offer a judgment on that level of detail. But, in general, the idea would be that economic, U.S. economic assistance should be considered as a tool by the U.S. Government to convince the El Salvadoran Government and all parties to the peace agreements that they should be fully implemented.

EUROPEAN HESITATION TOWARD CONTRIBUTING

Mr. TORRICELLI. Concerning the failure of the Europeans to make any real contribution to the rebuilding of El Salvador through financial assistance, are they offering reasons for not proceeding or simply excuses, and if these excuses did not exist, they would conveniently find others?

Ms. MORDEN. My sense of it, and what I know about it is that there is—there has been a certain amount of skepticism and hesitancy in the past concerning the use of funds, so that there may be more of a wait and see attitude. And I agree with the GAO panelist, that the consultative group meeting April 1 will be an extremely important test of where the other donors are, now looking back over a year.

And my view would be that there are now sufficient examples of cases where there has been consensus and there have been successful programs like, for example, and I think this is one that is of interest to the European donors, the assistance for the demobilized immediately following the signing of the accords.

It turns out there was an area that hasn't been anticipated and accounted for in the agreement and the ball fell in ONUSAL's court to attend to these demobilized. ONUSAL and UNDP took a very pragmatic and flexible and consensual approach and threw in the FMLN and the NGO's and all the relevant players to design a program to the assist the demobilized which everyone agrees was a successful program.

So I think, as the donors look and see these kinds of examples, they are more encouraged that the conditions exist for an effective use of their resources.

SOCIOECONOMIC CONDITIONS IN EL SALVADOR

Mr. TORRICELLI. Give me your general sense of socioeconomic conditions in El Salvador today, compared with the last several years as the war was coming to a conclusion, even without the kind of international assistance that we all would have hoped to have seen.

Are you seeing natural economic forces begin to reach villages and any meaningful improvement quality of life without the war environment?

Ms. MORDEN. I think that that is happening very slowly. I think that this is precisely—particularly in the conflict areas—one of the problems, that not enough aid is getting out to those areas. Their infrastructures are beginning, as was mentioned earlier through the Municipalities in Action programs, infrastructure programs are taking place.

But beyond that, you know, these infrastructure projects are important but the evaluation of the MEA program itself said that this shouldn't be mistaken for long-term development. And so—

Mr. TORRICELLI. I don't think people believe that they are, but they are a precursor to long-term development, are they not?

Ms. MORDEN. Right, yes. But that goes to the reason as well—

Mr. TORRICELLI. I recognize the problems of distribution and the amounts of development assistance. As one who has been an observer of the country through these years of transition, I would like to know whether you don't see some natural economic forces begin to produce an increase in living standards in the absence of war?

Ms. MORDEN. Well, I think one of the major stumbling blocks to that is the lack of credit, for example, that the resource level is so low to begin with, that there needs to be an infusion of capital that hasn't been forthcoming. There was very little credit distributed last year.

So I think that, marginally, there may be some increases, but—and when you go out, you begin to see even rebuilding of individual homes, for example, so there is some of that sort.

DEMobilized COMBATANTS

Mr. TORRICELLI. Having observed the country now, what is your general impression of soldiers who have been demobilized or former FMLN fighters. Are they returning to their villages? Do they seem to be finding opportunities to participate in the economy while remaining in El Salvador and unemployed?

Ms. MORDEN. Many of them have located near the areas where the settlements occurred during the concentration period. Others have returned home. And one of the problems I think with the demobilized from the government's side is that many of them were released from service before programs were put in place to assist them with their reintegration.

And it appears to be a real challenge and a task to be able to locate all of those people and make them aware of their benefits and bring them into the program. So there is a certain problem on that side with tracking some of these folks.

Beginning in about December on each side—well, on the government's side, beginning as early as September, on the FMLN side, beginning in about December, programs were initiated which are seen as the transition for moving the ex-combatants back into productive participation in national life and that is by way of a 6-month training courses either in agriculture or in industrial or vocational areas.

Mr. TORRICELLI. Does it seem to you that the necessary preparations are genuinely being made to accommodate the numbers.

Ms. MORDEN. Those programs are under way and are being—on the FMLN side, it is being, let's say, carried out under the auspices of UNDP. On the government side, it is a partnership with several NGO's and the National Secretariat, and those programs are in place.

I think one important point on that issue and one that at least is being somewhat anticipated, is a concern to be sure that we have a way of monitoring this process once the training is completed, that people aren't just strained and then released into a great void without any way of knowing whether they were actually successfully able to reestablish themselves in society.

Mr. TORRICELLI. Does that not exist now?

Ms. MORDEN. There are plans under way. I spoke with some at MEA.

Mr. TORRICELLI. Are those parts of the process as they envision it?

Ms. MORDEN. They are right now brainstorming how to do that and need to do it fairly quickly because the first group will complete their training by March, so they need to have a system in place to track these people. But there is some effort to anticipate that.

Mr. TORRICELLI. Mr. Ballenger.

EXPLANATION OF NONGOVERNMENTAL ORGANIZATIONS

Mr. BALLENGER. Thank you, Mr. Chairman.

Ms. Morden, I was wondering, sadly, if the NGO is a nongovernmental organization. Could you give me some idea of what an NGO is.

Ms. MORDEN. I am so glad you asked me that question. It is a very nonprecise term and it has been used very imprecisely in discussing this issue in El Salvador. It is a negative definition. It only defines an organization by what it isn't. And, in fact, it covers the waterfront. I would say that, even in development discussion, there is a need to be much more precise about the term.

If we were to look specifically at the case of El Salvador, for example, and look at the list of nongovernmental organizations as the government describes those entities that are receiving funds for reconstruction activities, you would find even there a broad range of organizations that would include local community organizations like a local neighborhood association, the chamber of commerce, co-operatives, private training institutions, and so on.

Mr. BALLENGER. Would Fusades be considered an NGO?

Ms. MORDEN. I believe Fusades would be considered an NGO, one that has come primarily out of the private sector with those kinds of interests and that there has been, particularly in relation to the structural adjustment program, there has been a growth in nongovernmental organizations as some of the kind of services that previously may have been carried out by the government have been spun off into the private sector. So that is one distinct kind of nongovernmental organization.

I think one of the important issues in the case of El Salvador and in reconstruction in particular is looking at those organizations that have established relationships in the target areas and that that is the important distinguishing factor that needs to be given greater attention and that it is much less useful to discuss FMLN affiliated NGO's. If we should do that, we should conversely discuss the identified arena NGO's because Fusades might be put in that category.

The important issue is: Where are these organizations working? Who has established relations with the starting population who, therefore, probably have a better opportunity to work effectively in those areas and provide something of a gateway to the communities that are the intended beneficiaries of the reconstruction?

OVERSEEING THE EXPENDITURES OF FUNDS

Mr. BALLENGER. If I may, I understand what you are saying. And one question that comes to my mind is the fact that the group that was on before you was reporting to us on the expenditure of our money in El Salvador. And my understanding is that AID, because they have to report to them, mandates that somebody in that NGO know how to keep books and that there might be a large amount of difficulty with some NGO's in the fact that they can't tell or they don't keep records as to how their money is spent.

I just wondered, at least it appears to me that probably the MEA's which have been, as we say, successful in dealing with the government have learn learned the system where a large number of NGO's have not learned the system and have to get money, as you say, it seems to me there \$175,000 was all that was given to

an NGO that was located with the FMLN. But they got \$2 million by coming around through another group.

Is there any way, I mean, if you—as long as we are going to oversee through the people sitting behind you there the expenditure of these funds, is there any way that any group can teach these people how to keep books?

Ms. MORDEN. There is no question about that. I think that there is complete agreement on the fact that the whole spectrum of the NGO community, as well as the government itself for that matter, needs to increase their administrative and managerial capacity. There is no quarrel about that.

I think that the difference comes in some donors saying that they recognize the weakness but then look for a variety of ways, procedures, and mechanisms by which they can work with these organizations so that they can incorporate them with all of their special contribution, mainly their relationships with the target population, and include them in the process.

To give you one example: European Community funds are being distributed to, I believe, six nongovernmental organizations with long-standing experience and relations in the target zones which include the ex-combatant zones. They have—the European community has granted the money through two European nongovernmental organizations who also have long-standing relationships with a number of these nongovernmental organizations, established trust and confidence.

Those organizations in turn have worked with an NGO in the region to actually work on a day-to-day basis with the local NGO on precisely these issues of accountability, bookkeeping, management and so on. So this is a rather layered approach, but it does represent perhaps a kind of creative approach by which funds can be gotten to and distributed involving these groups that have the established relationships in the target areas.

CONSIDERING THE RELATIVE SALARY OF THE POLICE

Mr. BALLENGER. Let me ask you another question. Especially in speaking of the unemployed—and I forgot to ask the group before you—if the effort to train the police is—there are two things they say are the most important: Land transfer and development of the police force.

The amount of money going to various and sundry things seems to be strangely divided by AID. I never got to ask. You said the police were underpaid. Of course, I don't know what underpaid is, but if—I am speaking to the gentleman behind you, I'm sorry.

If they are underpaid, how do their wages average compared to—I mean, you can say they are underpaid, but in Somalia and you get a dollar a day, that is a lot of money if you are in El Salvador and you are a policeman.

Mr. JOHNSON. I can give a couple of comparisons. The average recruit receives about \$113 a month, which is about what a laundry worker would make or a secretary, a low-paid secretary. It is not something that would be considered necessarily a living wage. It is very low relative to what other people in the private sector earn.

Mr. BALLENGER. Well, I just wondered about that. What is the unemployment rate there?

Mr. JOHNSON. I am not sure exactly what. I know it has been coming down some. The unemployment rate is fairly high.

Mr. BALLENGER. Thirty or 40 percent.

Ms. MORDEN. I would say unemployment is probably in the range of 50 percent.

INCREASING FINANCIAL SUPPORT TO THE POLICE

Mr. BALLENGER. I was just wondering if recognizing your group as doing good works and all that kind of stuff, but if the money were necessary to go to the police and go to the land transfer and AID decided, I don't know, you probably would get government support, I would think.

Ms. MORDEN. Our organization, Church World Service—well, actually both Church World Service and Lutheran World Relief at different times have used USAID funds.

Mr. BALLENGER. And my suggestion, be cutoff and we give the money to the police wouldn't hurt.

Ms. MORDEN. Interestingly on this question, it is my understanding that at least the issue of support for the police is being integrated into the government's appeal to donors this year and included as part of reconstruction and conceptualized as part of an essential element of strengthening democratic institutions.

At the same time, I am aware that the European Community has in fact taken a greater interest in democracy initiatives, so maybe there is a little bit more reason for hope on that score than we might have thought.

SAN MIGUEL ECONOMY IS BOOSTING

Mr. BALLENGER. Just for the edification of our chairman here, and I am not sure he is going to hear me, but while I was in El Salvador, just to show that the economy is boosting a little bit in San Miguel, where Donna put her first hospital, they dedicated a shopping center in San Miguel Saturday. It had 128 stores in it.

Mr. TORRICELLI. That is because they knew Donna was coming.

Mr. BALLENGER. Anyhow, the basic idea, the place does look like it is growing, but I would agree with you about the heavy population and the high birth rate. I have always felt that you can never solve a problem with the poor in El Salvador. It is the most heavily populated area in the whole Western Hemisphere—and it has one of the highest birth rates in the Western Hemisphere—and that you are going to have to have an unbelievably expanded economy to be able to—

Mr. TORRICELLI. If you would yield?

Mr. BALLENGER. Yes.

BREAKING THE CYCLE OF POVERTY IN EL SALVADOR

Mr. TORRICELLI. Given the realities of the culture, is the problem of the system, solvable? Can indeed this cycle of endemic poverty from birth be at least mollified?

Ms. MORDEN. Well, I think that the approach that is being recognized more and more within development circles is the need to in-

tegrate, at a local level, population development and environmental concerns.

Mr. TORRICELLI. I am speaking specifically of El Salvador. I know where it has and hasn't worked.

Ms. MORDEN. My concern on that, I think this goes to the overall question, how does El Salvador reenter the debate and take advantage of the thinking that has gone on in the past 12 years while they were fighting a war about development?

And I think that is precisely I think that question has to be asked of AID, El Salvador as well, and I think it is a critical question. So for me, that would be part of the answer, that I wouldn't rule out that possibility, but it is going to be required—

Mr. TORRICELLI. Given their culture and their politics, I could quickly assess that any reasonable amount of resources and political energy would not yield the results that are necessary to stop the spiraling birth rate and the poverty it creates. And there are other places where I suspect, with equal resources, you could make a real difference.

IMPACTING THE BIRTH RATE TO IMPACT THE POVERTY RATE

In your experience with the culture of El Salvador, is this a place where you could make a real difference on the birth rate and consequently on the poverty rate or is this simply a place where we are going to have to find greater and greater resources to meet the unfortunate reality of a larger and larger population?

Ms. MORDEN. Well, I am really not an expert on this particular topic. The one thing I would mention is that there is a rapidly growing women's movement in El Salvador and that may, perhaps, be one of the factors that would have an important effect on population rate and, particularly, to the extent that they focus on education for women and really make women in development a priority, then I think the opportunity is there.

Mr. TORRICELLI. Did you have anything further, Mr. Ballenger.

Mr. BALLENGER. I'm sorry. I opened that can of worms and I am glad you all came up with a good, clean answer. Thank you very much.

Mr. TORRICELLI. I thank you for your testimony. I'm sorry to have been delayed by inevitable airplane problems, and I apologize for not having been here earlier. But I thank you all for your testimony and your cooperation with the committee.

The committee stands adjourned.

Ms. MORDEN. Thank you.

[Whereupon, at 4:35 p.m., the subcommittee was adjourned.]

APPENDIX

OPENING STATEMENT HON. ROBERT G. TORRICELLI, CHAIRMAN SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS "THE PEACE PROCESS IN EL SALVADOR"

March 16, 1993

The Subcommittee on Western Hemisphere Affairs will please come to order.

We meet today to bear witness to another milestone in the progress toward peace in El Salvador: the release of the report of the Commission of the Truth. The mandate of the Commission was to seek, find, and make public the truth about acts of violence committed by both sides in El Salvador.

The Commission sought to fulfill the biblical teaching that, "The truth shall make you free." I know that it is the hope of all of us here today that the publication of the truth about a civil conflict that took over 75,000 lives will free El Salvador from ever having to repeat such a tragedy.

These terrible crimes committed against tens of thousands of Salvadorans are cause for shame. But the process in which all Salvadorans are now participating is a source of pride. The peace which is being slowly constructed in El Salvador is a tribute to the courage and determination of the Salvadoran people.

What is taking place in El Salvador is no less than a "negotiated revolution." The father of that revolution is President Alfredo Cristiani. He resisted the counsel of some to seek military victory because he knew that, although history may honor the commander of war, heaven reserves the highest place for the peacemaker.

The members of the political commission of the FMLN here to testify today are partners in the struggle for peace. But they must also accept the uncomfortable truth facing the Salvadoran government and military: that crimes against the Salvadoran people were committed.

Finally, as a Member of Congress I must be concerned about U.S. involvement in these tragic events. During the period when some of the gravest violations of human rights were occurring, the Reagan administration was certifying progress on human rights in El Salvador and funding massively the very forces identified by the Truth Commission as being primarily responsible for "the vast majority of abuses."

We now know what many of us suspected at the time. These certifications had no credibility. Instead of using the certification process as intended, as leverage on the government of El Salvador, the Reagan administration used it to take pressure off, by denying that abuses were continuing. Congress gave the administration the tools to prevent and oppose these abuses. But the Reagan administration tragically chose to view the cause of anticommunism as justifying these abuses.

The war is now over and the highest priority of the Salvadoran people must be forgiveness and reconciliation. But history's judgment of the Reagan administration will be that their conduct of U.S. policy cannot be forgotten or forgiven. In its abuse of the certification process, the administration misled the Congress. I, for one, will not be content until we know the whole truth about our own attempt to cover-up these abuses from the Congress and the American people.

EMBARGOED UNTIL DELIVERED

PREPARED STATEMENT OF PRESIDENT BELISARIO BETANCUR,
DR. REINALDO FIGUEROA AND PROFESSOR THOMAS BUERGENTHAL
MEMBERS, UNITED NATIONS TRUTH COMMISSION FOR EL SALVADOR

before the

Subcommittee on Western Hemisphere Affairs
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C.

March 16, 1993

Good afternoon, Mr. Chairman. It is a privilege for the Members of the Truth Commission for El Salvador to appear before this Subcommittee to present the Commission's report to you and the ranking Republican Member, Representative Smith, for its inclusion in the official record of these hearings. We are particularly honored that you requested our appearance just one day after the Secretary General of the United Nations made the Commission's report public, for it underscores the importance the Peace Accords place on the need for the widest possible dissemination of the results of its investigation.

The Parties to the Salvadoran Peace Accords -- the Government of El Salvador and the Frente Farabundo Marti para la Liberacion Nacional (FMLN) -- under the auspices of the Secretary General of the United Nations, asked us to investigate "serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth." The Commission received direct testimony from 2,000 sources relating to 7,000 victims and information from secondary sources relating to more than 18,000 victims. But as the Peace Accords gave it only six months to examine the long history of violence endured by El Salvador during its brutal civil war, the Commission concentrated its limited resources on the most notorious cases of violence, committed by both sides to the conflict, as well as those cases that formed part of a broader, systematic pattern of abuse.

All witnesses who requested it were guaranteed confidentiality to protect their lives and encourage frankness. Based on the number of corroborating accounts and other evidence in a particular case, the Commission used three levels of certainty in reaching its conclusions: overwhelming evidence, substantial evidence and sufficient evidence. The testimony of a single witness or other single source, no matter how compelling,

was deemed insufficient to make a judgment if not backed up by other evidence.

In examining the staggering breadth of the violence that occurred in El Salvador, the Commission was moved by the senselessness of the killings, the brutality with which they were committed, the terror they created in the people. In other words, the madness, or "locura," of the war. At the same time, the Commission was especially cognizant of the spirit of hope, or "la esperanza" which brought it and the entire peace process into existence. It is the hope in a peaceful future that has led the Parties to put down their weapons and to construct a new society based on principles of democracy, respect for basic human rights, and reconciliation.

It is with that perspective in mind -- with one eye to the "locura" of the past and the other to "la esperanza" of the future -- that the Commission reached its conclusions about the cases it investigated and its recommendations to the Parties. As its guiding light, it adopted the notion that, without a credible accounting of the truth, national reconciliation is impossible.

This report is based also on the principle that individuals, even those caught up in the fury of civil war and the orders of superiors, are accountable for their actions. By committing themselves to remember the tragic violence of their recent past and by calling for accountability in their new national quest for peace, the Salvadoran people and their leaders have set a standard that offers hope in a world ravaged daily by still bloodier civil wars and gross abuses of human rights.

The truth often is bitter. The Commission was put in a particularly delicate situation when it began receiving evidence that current high-ranking members of the Government and the FMLN authored some of the most serious acts of violence studied by the Commission. This led to intense pressure that the Commission not name any individual names in connection with specific cases. To do so, in the Commissioners' unanimous opinion, amounted to nothing short of a cover-up of the truth and a total failure to carry out the Commission's mandate to "put an end to any indication of impunity." Therefore, the only choice we saw open was to name names where the evidence was decisively in favor of such a result. We saw no other way to carry out the responsibilities we undertook in an honest and straightforward manner.

It is relevant to note here that several of the military officers named in the Commission's report are rumored to be among the group of military officers named by the Ad Hoc Commission in its report to the Secretary General and which President Cristiani is required by the Peace Accords to "purge" from the ranks of the military. It is our understanding that President Cristiani has

not fully complied with this obligation. The Commissioners cannot stress strongly enough the need for the United States and the entire international community to demand the full implementation of the Ad Hoc Commission's report, whose rumored conclusions about certain military officers are supported even further by the specific factual findings of this Commission.

In that regard, the Commission draws the Subcommittee's attention to one of the most important recommendations it makes in its final report -- that all those individuals named in the report as having participated in violent acts committed by both sides to the conflict be prohibited from holding any public position for a period of ten years. Having proven themselves to be unfit to exercise the rights and duties as citizens, particularly at this fragile moment in the country's history, these individuals must be barred from carrying out any public function. In addition, the Commission recommends that those individuals cited in the report immediately be removed and prohibited from ever holding any military or security responsibility.

High on the list of officers named by the Truth Commission are the current Minister of Defense, General Ponce, and the current Vice-Minister of Defense, General Zepeda, for their roles in ordering the murder of the six Jesuit priests, their cook and her daughter at the University of Central America in November, 1989. Also cited are FMLN commandantes Joaquin Villalobos, Ana Guadalupe Martinez and Jorge Melendez, among others, for their role in the killing of at least eleven civilian mayors. The Commission did not reach these conclusions lightly. As in all the cases in which names are cited, it was only after a thorough review of information corroborated from a wide range of sources that it concluded that these individuals were responsible for these assassinations.

At this point we would like to draw attention to the excellent work of the Speaker's Special Task Force on El Salvador, otherwise known as the Moakley Commission, which reached much the same conclusions as did the Truth Commission. Its investigation of the Jesuits' case served the best interests of the Salvadoran people in seeking the truth about what happened that terrible night during the guerrilla offensive. Congressman Moakley, his staff and the others who served on his commission deserve great credit for their determination and commitment to tell the truth. Our task would have been much more difficult had it not been for the work of the Moakley Commission.

Before going on to summarize some additional cases, the Commission would like to highlight certain findings with regard to the phenomenon of death squads. The Commission received testimony on more than 800 victims of death squads. Often, these people fell victim to paramilitary forces operated by the

military and supported by powerful businessmen, land-owners and some leading politicians. In fact, the Commission found that Salvadoran exiles living in Miami helped administer death squad activities between 1980 and 1983, with apparently little serious attention from the U.S. government. Death squads, in whatever form, remain a major threat to a peaceful El Salvador and for that reason the Commission calls for a special investigation to uncover their members, organizers and financiers. The United States could play a vital role in contributing its investigative expertise to such an investigation.

The Commission would now like to summarize its findings on some specific cases, including those involving American victims of the conflict.

-- On December 2, 1980, Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan, four American churchwomen from the Maryknoll order, were killed by soldiers from the Salvadoran National Guard. As a result of one of the rare prosecutions that resulted in convictions, the actual gunmen remain in jail today. The Truth Commission received sufficient evidence that the churchwomen's detention was planned in advance; that Sursargeant Colindres Aleman was not acting on his own but received orders to execute the churchwomen from superior officers; and that Colonel Vides Casanova, then Director of the National Guard, and other officers knew that members of the National Guard had executed the churchwomen and facilitated the cover-up, thereby impeding the judicial investigation.

-- On June 19, 1985, Thomas Handwork, Patrick Kwiatkowski, Bobbie Dickson and Gregory Weber, four unarmed U.S. Marine Security Guards serving in El Salvador, were killed at an outdoor cafe in San Salvador by members of a guerrilla commando unit. During the attack, nine civilians were killed, including U.S. citizens George Viney and Roberto Alvidrez. The Commission has concluded that members of an FMLN urban commando unit, acting under FMLN policy to consider U.S. military personnel legitimate targets of attack, planned and executed the killings in violation of international humanitarian law.

-- On January 3, 1981, Rodolfo Viera, head of the government's land reform program, along with Mark Hammer and David Pearlman, employees of the American Institute for Free Labor Development, were killed at the Sheraton Hotel by soldiers from a National Guard death squad. The two gunmen, who were convicted and later released under an amnesty law, were following orders from National Guard Lt. Lopez Sibrian. They were assisted by Army Capt. Eduardo Avila and businessman Hans Christ. The latter three escaped prosecution.

-- Lt. Col. David H. Pickett and Cpl. Ernest G. Dawson, after their helicopter was shot down by members of a Popular Revolutionary Army (ERP) unit on January 2, 1991, were executed by ERP member Fernan Fernandez Arevalo on orders from Severiano Fuentes Fuentes. The pilot of the helicopter, Daniel F. Scott, died from wounds received when the helicopter crashed.

-- On March 24, 1980, Archbishop Oscar Arnulfo Romero was shot while he was saying mass by an unknown assassin. Roberto D'Aubuisson gave the order to kill the Archbishop. Army Capt. Eduardo Avila, former Capt. Alvaro Saravia and Fernando Sagrera played an active role in carrying out the order.

-- In December, 1981, the massacre at El Mozote and surrounding hamlets claimed the lives of over 700 people, including many women and children. The Commission conducted a thorough investigation of the massacre at El Mozote, including the exhumation of part of the site with the assistance of noted U.S. experts Dr. Clyde Snow and Dr. Robert Kirshner, among others. It found that former Atlacatl battalion commanders Col. Domingo Monterrosa Barrios and Col. Natividad de Jesus Caceres Cabrera were responsible for the slaughter. In addition, Supreme Court President Mauricio Gutierrez Castro improperly interfered in the judicial proceedings concerning the investigation of the massacre.

The Commission has recommended a series of wide-ranging actions aimed at removing human rights violators from public office, as already discussed, reforming the judicial system and the Armed Forces, and promoting human rights, democracy, the rule of law and national reconciliation. The Commission would like to take this opportunity to highlight the following recommendations:

-- Steps to ensure civilian control of military promotions, the military budget and all intelligence services;

-- Steps to cut all ties between the military and private armed groups or other paramilitary groups;

-- The immediate implementation of constitutional reforms requiring the turnover of the present members of the Supreme Court;

-- A public listing of all detention centers and all those who are detained in them; and

-- Full support for the new civilian national police force.

In addition, in the hopes of promoting national reconciliation, the Commission recommends that the victims of human rights violations by all sides in the war be publicly recognized and be given material compensation. For that purpose, the Commission calls on the United States and other members of the international community to earmark a percentage of their respective foreign aid to a special fund to be established for this purpose.

Mr. Chairman, Representative Smith, and other Members of the Subcommittee, the Commission would like to thank you for this opportunity to discuss the main points of the Commission's report. In closing, it is important to stress that the Commission's report is merely the first step in what will be a long and arduous process of solidifying democracy and tolerance and doing away with the institution of impunity that has protected wrongdoers for so long in El Salvador.

PREPARED STATEMENT OF SCHAFIK JORGE HANDAL
GENERAL COORDINATOR OF
THE FARABUNDO MARTI NATIONAL LIBERATION FRONT
OF EL SALVADOR

BEFORE THE
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

MARCH 16, 1993

"Embargo until delivered"

Mr. Chairman:

The peace process in El Salvador has made invaluable achievements for the Salvadoran people. It could leave an important legacy for democracy in Latin America and for the future of United States relations with other nations in our American continent.

Nevertheless, in the implementation of the Peace Accords critical aspects needed to consolidate a stable and lasting peace remain without compliance. In the first place, the purging of the army has not been completed and everything appears to indicate that the subordination of the military to civilian control is encountering resistance which threatens the future of democracy and the viability of the implementation of agreements regarding the Armed Forces. For example, the military leadership is obstinately preserving the political intelligence apparatus and files, despite clear provisions to the contrary in the Accords and in the amendments to the Constitution.

The Armed Forces and the Defense Ministry published a booklet on March 1st entitled "The Threat to Sovereignty and the Destruction of the State" in which in addition to reviving positions adopted during the Cold War, insinuate that they will forcefully oppose the Truth Commission report.

Along the same lines, it should be noted that numerous persons from the military intelligence apparatus and the suppressed public security forces have been transferred to important positions in the Academy charged with preparing the policemen and officers in the new National Civil Police force, from which the Accords and the Constitution exclude members of the military. In addition to this deficiency, there are other suspicious and serious deficiencies in the admissions system, budgetary obstacles and other irregularities. All this has delayed and can qualitatively affect the organization of the National Civil Police, which is so essential for democratization.

The Truth Commission's report will be a difficult test for the process. It is in fact an unprecedented step in the correct direction, as it brings to an end decades of cover-ups and strengthens the possibilities of putting an end to the impunity enjoyed by civilians and military personnel with the power to trample on the entire Salvadoran society.

The FMLN will fully support the recommendations of the Commission and will contribute to generate a positive and mature reaction by the entire nation to this difficult but absolutely necessary test for the nascent Salvadoran democracy.

In addition, we are concerned about the land transfers and the programs for reinsertion of former FMLN combatants to civilian life. Although these programs are established in the Peace Accords, the Government of El Salvador, alleging inflexibility in the terms of U.S. aid that support those programs, is imposing an excessively slow pace and creating

multiple stumbling blocks for their compliance. This problem could be a seed for new outbreaks of social conflict.

We wish to express our concern in regards to the electoral process with particular reference to the register of citizens qualified to vote, as it is plagued with defects. Conditions are forming which could produce a massive exclusion of voters. This would certainly favor the governing party, ARENA, and its allies.

Mr. Chairman, we are convinced that all these problems can be overcome. It is important that all the Accords be complied with faithfully, now that the FMLN has definitively abandoned armed struggle. In this way, we are guaranteeing that in El Salvador today, no one will conclude that arms are more effective than political struggle.

In this context, the continuity of the political attention and economic aid which the international community has given to our country is vital. The United States military aid, if it is given, should continue to be contingent upon compliance with the Peace Accords and the full subordination of the military to civilian authority. Economic aid should be maintained at the same levels as in recent years and should reinforce those same purposes.

We are concerned by the proximity of the expiration of DED for tens of thousands of Salvadorans who live in the United States. Their abrupt and massive return to El Salvador would produce an enormous negative impact in the social and political arenas, and would without a doubt be counterproductive for the process of peace and democracy. We hope for an extension of DED which will benefit all Salvadorans and give the peace process a greater chance for success.

Finally, we would like to reaffirm our full commitment to peace and democratization in El Salvador.

Thank you very much.

OPENING STATEMENT

THE HONORABLE ROBERT G. TORRICELLI, CHAIRMAN
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

"The Peace Process in El Salvador: Part II"
Tuesday, March 23, 1993

The Subcommittee on Western Hemisphere Affairs will please come to order.

Last week this subcommittee, in listening to the dramatic testimony of the Truth Commission, focused its attention on El Salvador's tragic past—a past marred by death and violence.

Today we turn our attention to the future, to the construction of a lasting peace that will help to assure that the horrors we heard described in vivid testimony one week ago will never again be repeated.

El Salvador's future lies in a reconstructed economy and society based on open markets and an open political system. The industry and enterprise of El Salvador's citizens—so evident to even an infrequent visitor—must encounter an economy that will maximize their potential. Indeed, as President Clinton has said so well for this country, El Salvador cannot afford to waste a single person.

The United States played a vital role in El Salvador's time of war—contributing over six billion dollars in aid. We must continue to fulfill our commitments to the people of El Salvador in this time of peace.

The report of the General Accounting Office about which we will hear today provides much good news.

- Initial anxiety about whether U.S. officials could shift rapidly from projects of counter-insurgency to the very different demands of reconstruction seems to have abated.
- The Salvadoran government and its former enemy, the FMLN, are cooperating surprisingly well.
- At the local level, former combatants of both sides are beginning the process of returning to civilian life. In some cases, former soldiers and guerrillas stand side-by-side in training programs and swap war stories.

But there is disturbing news in this report as well. Key components of El Salvador's peace agreement—a civilian national police force and a land bank to distribute land and provide agricultural credit—are seriously underfunded. Of some \$800 million pledged by U.S. and international donors one year ago, very little has actually arrived in El Salvador.

Especially disturbing to this Congress is the fact that our European allies—so quick to instruct us in the correct approach to peace in Central America in the 1980s—are no where to be seen now that peace has arrived. With the notable exception of Spain, few European countries are matching their enthusiasm for peace with real aid commitments. This is a disturbing finding and one which this subcommittee will pursue later this year with administration witnesses.

We look forward to hearing from the witnesses.

United States General Accounting Office

GAO

Testimony

Before the Subcommittee on Western Hemisphere
Affairs, Committee on Foreign Affairs,
House of Representatives

For Release on Delivery
Expected at
3:00 p.m. EST
Tuesday,
March 23, 1993

EL SALVADOR

Status of Reconstruction Activities One Year After the Peace Agreement

Statement of Harold J. Johnson, Director, International Affairs
Issues, National Security and International Affairs Division



Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss the economic, political, and social reconstruction of El Salvador. My testimony is based on our ongoing evaluation of U.S. assistance to El Salvador--an assignment undertaken at your request--and three recent GAO reports.¹ I will focus on five areas: (1) the National Reconstruction Plan, (2) reconstruction funding, (3) nongovernment organization (NGO) participation in reconstruction, (4) the Municipalities in Action program (MEA by its Spanish acronym), and (5) land redistribution.

SUMMARY

It has been only a little over 1 year since the United Nations-sponsored peace agreement in El Salvador was signed and the reconstruction program is in its early stages, but progress toward peace and economic reconstruction has been made. The Farabundo Marti Liberation Front (FMLN) and the government of El Salvador are successfully negotiating the content and implementation of the National Reconstruction Plan. NGOs are playing an increasing role in implementing social development

¹Aid to El Salvador: Slow Progress in Developing a National Civilian Police (GAO/NSIAD-92-338, Sept. 22, 1992); El Salvador: Efforts to Satisfy National Civilian Police Equipment Needs (GAO/NSIAD-93-100BR, Dec. 15, 1992); and El Salvador: Role of Nongovernment Organizations in Postwar Reconstruction (GAO/NSIAD-93-20BR, Nov. 16, 1992).

projects. Through the MEA program, over 1,000 critically needed projects at the community level have been funded, and mayors, local FMLN and other officials, and community residents we spoke with are complimentary of the program. Yet, serious problems continue to face the government and the FMLN.

The overriding problem in El Salvador is that although the international donor community has pledged \$800 million for reconstruction, insufficient money has been forthcoming, particularly for areas such as public safety and land redistribution that many believe are critical to the long-term success of the political settlement. The FMLN and the government were assured by the United Nations that the international donor community would help pay for the cost of reconstruction, and both parties seemed to have unreasonable expectations of what could be done and when. In short, expectations for economic rehabilitation generated by the Peace Agreement have outpaced fiscal realities. The Peace Agreement was intentionally ambiguous with regard to the economic reconstruction plan, and this may have been necessary at the time, but allowing for the details of the plan to be worked out by the parties at a later date has led to some of the problems being seen today.

Solutions to differences between the government and the FMLN on the plan's content are being dealt with through negotiations and concessions. The end result of these negotiations, however, has

been to expand programs to the point that the costs exceed the resources available or anticipated. Negotiated solutions were reached without regard to where the money would come from--a natural outgrowth of good-intentioned parties making decisions about other people's money. For example, a United Nations-brokered settlement concerning land redistribution more than tripled the estimated number of beneficiaries to 47,500, creating a shortfall of at least \$61.7 million for land procurement. Also, land is being provided without sufficient agricultural credit, which may cost another \$71 to \$255 million. The costs and sources of funding for some critical programs, like public safety, simply were not thought through when a commitment was made. For example, the new national civilian police force is underfunded by at least \$23 million for operating costs in 1993 alone, and an estimated \$40.3 million is needed for equipment and facilities in 1993 and 1994, but no funding source is in sight.

Mr. Chairman, as you know, the United States committed \$250 million to pay for immediate and longer-term reconstruction needs over a 5-year period. This was to be essentially front loaded to allow other donors time to provide funds they pledged. The problem now is that projects' funding requirements greatly exceed what the United States has to spend. The United States is planning to redirect funds from other planned reconstruction activities to take care of some of these unfunded needs but this has not been enough. While the results of upcoming Consultative

Group and European Community meetings may provide some additional resources, at this point in time, the reconstruction plan as currently envisioned may be out of reach.

THE NATIONAL RECONSTRUCTION PLAN WORKING,
BUT IS STILL BEING NEGOTIATED

Developing and maintaining the National Reconstruction Plan has proven to be difficult. The government of El Salvador and the FMLN have differed from the start on the content of the plan and how funds to implement it would be allocated, but both have been flexible and willing to settle their differences through negotiation on a case-by-case basis. While negotiations have taken time and some target dates have been missed and programs delayed, we do not believe that this has been a significant barrier to the overall reconstruction efforts.

FMLN and Government Beginning to Cooperate

The Peace Agreement facilitated by the United Nations assigned responsibility to the government to develop a reconstruction plan to implement the social and economic reforms in the areas most affected by the war. The government was also responsible for coordinating the execution of the plan, managing reconstruction resources from donors, and controlling and accounting for funds. The agreement required, however, that the government consider recommendations from the FMLN and others so that the plan would

reflect the collective will of the nation. While the government has considered FMLN input to the plan, the FMLN has continued to criticize the plan for emphasizing infrastructure reconstruction over social development and failing to sufficiently incorporate a role for grass-roots organizations and NGOs. Also, the FMLN has accused the government of denying it full participation in the plan's design and execution.

We cannot comment on the merits of each party's position on the plan because each side's position is rooted in a different political agenda, but it is apparent that both sides have made significant concessions to make the plan work. For example:

- Although the FMLN was not satisfied with the reconstruction plan, it joined the government in presenting the plan to the international donor community at the Consultative Group meeting in March 1992, thus enhancing its chances for international funding.
- After the FMLN linked force demobilization to the provision of certain benefits, the government increased benefits specifically for FMLN ex-combatants to include household goods packages and a rehabilitation program for the wounded.
- Although not necessarily to its political advantage, the government has accepted and has been abiding by a United

Nations-brokered land agreement that increased the number of beneficiaries and gave FMLN ex-combatants first priority to receive land.

Distribution of Funds

The National Reconstruction Plan stipulates that the government use three entities to implement reconstruction projects: (1) the MEA program, which performs small infrastructure projects critical to local community development; (2) NGOs, which focus on social issues such as training, credit, and maternal health and child care; and (3) government ministries and organizations that implement national health and education programs and major infrastructure reconstruction projects. Some NGOs that were once affiliated with the FMLN, and their supporters, are concerned that government funding decisions will disproportionately favor the MEA and organizations that the government used during the war.

Based on our assessment of how reconstruction funds have so far been distributed, we did not find these concerns to be well founded. As of January 1993, about 28 percent of funds approved went for NGO projects, 26 percent for MEA projects, and 47 percent for central government organizations' projects. Our work to date indicates that the government has allocated funding based on the type of activity to be provided and the merit of

individual projects, and has not favored one type of implementing entity over another in its funding decision.

FUNDING IMMEDIATE RECONSTRUCTION NEEDS IS A PROBLEM

The FMLN and the government were encouraged to sign the Peace Agreement with assurances from the United Nations that the international donor community would help fund the cost of rebuilding the social, political, and economic structure of the country. Although donors pledged \$800 million in March 1992, contributions have been insufficient for critical activities.

Some programs, most notably public safety and land redistribution, are among the most contentious issues confronting the government and the FMLN, and are closely tied to demobilization and continued peace. Costs for some critical programs have increased substantially, mainly because of new agreements that were made to avoid breakdowns in the peace process. For example, additional benefits were provided to FMLN ex-combatants under the threat that the FMLN would not otherwise demobilize. The government agreed to provide \$1.3 million for agricultural credit, \$5.3 million for household goods starter packages, and \$1.3 million to begin a rehabilitation program for FMLN wounded. The FMLN has recently asked for funding to provide

housing to 11,000 of its ex-combatants, estimated to cost between \$16 and \$35 million, but money to fund this request is not available.

The \$250 million pledged by the United States was intended to take care of immediate and longer-term reconstruction needs over a 5-year period, but due to increasing costs of immediate reconstruction needs, AID is planning to redirect about \$48 million of this pledge from other planned reconstruction activities in El Salvador. Still, severe funding shortfalls exist in key programs, such as public safety and land redistribution.

The Public Safety Program

A new police force and police academy were explicitly called for by the Peace Agreement, and assurances that a new public safety system would be implemented helped convince the FMLN to sign the agreement. We reported in September 1992 that (1) the government had made limited progress establishing and funding the National Civilian Police and (2) the police academy, though operating, was in serious financial trouble. In February 1993, the police academy graduated 600 police recruits but money was not available for adequate salaries, equipment, facilities, or supplies. As of March 1993, only three donors have provided money for police and

academy activities--the United States provided \$20 million, Spain \$1 million, and Norway \$350,000.

For fiscal year 1993, the national civilian police force will need an additional \$23 million for operating costs. This figure does not include the estimated \$40.3 million needed for equipment, supplies, and facilities in 1993 and 1994. The police academy is also short of operating funds and the government is using money originally designated for construction to pay for operating expenses such as utilities, food, and health care for police academy students.

The El Salvadoran government hopes international donor assistance will make up the shortfall, but officials from the United States, the United Nations, and other organizations have expressed doubt that such funding will be provided. Two appeals for funds have gone out to the international donor community, but no response was received. U.S. officials told us that other donor countries, by law or preference, are not interested in funding public safety projects.

Land Redistribution Program

One of the most important aspects of the Peace Agreement and reconstruction plan is the redistribution of land. AID originally planned to provide \$15 million to this program, which

would cover the cost of land for 10,000 beneficiaries. In October 1992, a United Nations-brokered agreement increased the number of beneficiaries to 47,500², significantly increasing program costs. By redirecting funds from other planned activities, the United States plans to increase its contribution to about \$50.2 million. The Land Bank, the government's agency for land redistribution, will also receive \$12 million from the European Community, and the government is providing land it owns valued at \$18.6 million, bringing total resources for land redistribution to \$80.8 million. Based on the average land price specified in the United Nations-brokered land agreement, this is still at least \$61.7 million short of what is needed. AID has said that the shortfall could be as much as \$89 million, based on a more realistic land price. This shortfall estimate could grow even further if higher quality land requested by the FMLN is provided to its beneficiaries.

AID officials are reluctant to consider redirecting further funding to these projects. Except for the European Community, other donors have not provided or pledged funds for land redistribution.

²These beneficiaries include ex-combatants and the families who have occupied land (without legal title of ownership) that had been abandoned by its owner during the war.

Issues Related to Other Donor³ Funding

World Bank and U.S. officials told us that some donors were hesitant to fund projects until the El Salvadoran government and the FMLN had demonstrated their commitment to peace by reducing or demobilizing their military forces. A World Bank official said that the World Bank, the sponsor of the Consultative Group, was also hesitant to encourage donors to fulfill pledges for this same reason. Additionally, according to U.S. officials, some donors expect the United States to fund highly visible and politically risky projects, such as public safety and land redistribution.

Some funding may be available later this year. The Inter-American Development Bank plans to provide an unrestricted \$90 million loan for disbursement starting later this year, but the bank will disburse the loan in three installments over 18 months. A \$75 million loan from the World Bank, tentatively scheduled to be disbursed in 1992, will not be available until September 1993. The European Community and Germany pledged to finance some reintegration assistance for ex-combatants, but this money is not expected until mid-1994. Finally, the Inter-American Development Bank and Japan have developed a \$250 million water and energy

³Other donors include the World Bank, the Inter-American Development Bank, several international organizations, and 18 individual countries pledging bilateral assistance.

project, but the majority of the project will not be funded until 1994 or 1995.

Another donor conference is scheduled for April 1993, and World Bank officials have indicated that at that time they plan to aggressively encourage donors to provide funding. The El Salvadoran government has been preparing presentations for this meeting as well as a meeting with the European Community later in April, specifically asking for quick-disbursing cash for critical needs. However, since most donors prefer more traditional development activities, and previous attempts to secure funding have been largely unsuccessful, it is unclear how successful the government will be during these meetings.

NGOS AS MAJOR PARTICIPANTS IN RECONSTRUCTION

Forty-five NGOs have been involved in a wide range of reconstruction projects. Over the past 6 months, politically motivated attitudes have softened, the working relationship between the government and NGO community has improved, and more information is being disseminated on reconstruction procedures, increasing their participation. Although few of the NGOs formerly affiliated with the FMLN⁴ have received funding

⁴We define the NGOs formerly affiliated with the FMLN as those organizations that operated primarily in the former conflictive areas and were historically affiliated with the FMLN. In discussions with some of these NGOs, we were told that they no longer wish to be affiliated with any political faction.

directly from the government, many have received indirect government funding as sub-grantees under umbrella organizations. Many NGOs have weak financial and management controls and do not meet the technical and management requirements of the reconstruction program, and progress in improving these capabilities has been slow.

NGO Participation Has Increased

In June 1992, 29 NGOs were approved to implement reconstruction projects funded either directly or indirectly by the government. By February 1993, 45 organizations had been approved to receive \$11.5 million. It appears that the factors that hindered earlier NGO participation have been resolved. For example, the FMLN told us that FMLN-affiliated NGOs decided in June 1992 not to participate in reconstruction activities until the government and FMLN agreed on the reconstruction strategy. In addition, at that time, NGOs were confused about the process for receiving funding and the general eligibility criteria. But now the government, alone or in concert with FMLN NGOs, has increased efforts to explain the program. Over the past 6 months, NGOs have become more willing to accept funding from the government. One NGO formerly affiliated with the FMLN told us in June 1992 that it would not accept funding from the United States under any circumstances, whereas, in December 1992 it indicated it was willing to work with the government, accept technical assistance,

and apply for reconstruction funds. Another NGO formerly affiliated with the FMLN met with AID and the government to discuss four potential projects and has received funding for one project.

Few FMLN Affiliated NGOs Receive Direct Funding

Few NGOs formerly affiliated with the FMLN are receiving funds directly from the government. As of February 1993, the government had approved about \$9 million in direct funding for 5 U.S.-based NGOs and 18 Salvadoran-based NGOs. Only 2 of the 18 were NGOs formerly affiliated with the FMLN and they received about \$176,000, less than 2 percent of the total approved for all NGOs. However, 25 Salvadoran-based NGOs have received funding through subgrants from other NGOs and organizations that are funded directly;⁵ 17 of these are NGOs formerly FMLN-affiliated and they received about \$2 million, or 17 percent of the total approved.

The FMLN and its NGO, the Fundación 16 de Enero, claimed that the government has been discriminatory in deciding which NGOs to approve. They said they would like to see greater participation of NGOs, such as those that are members of the Coordinating Council of Private Humanitarian Institutions in El Salvador

⁵Three of the 25 NGOs receiving indirect funding also receive direct funding.

(CIPHES).⁶ At the time they told us this, however, 13 of the 37 NGOs in the group were already involved in reconstruction activities or other U.S. funded projects. We noted that many of the NGOs receiving direct funding could be considered pro-government, but they also had prior experience delivering development assistance funded by the United States or El Salvadoran government. While one can never be totally certain, we did not find evidence that the government's selections were made for political reasons.

Slow Progress in Improving NGO Capabilities

While we found that few formerly FMLN-affiliated NGOs have received funds for reconstruction activities, this is because of their limited management and technical capability to design projects and meet accountability requirements established by the El Salvadoran government and AID. As we reported in November 1992, we believe that the standards for project proposal submission and administration, control, and accountability are reasonable and do not represent a political barrier to participation. With adequate technical assistance, these administrative and financial management standards can generally

⁶This organization performs a coordinating role for 37 Salvadoran-based NGOs.

be met. Such technical assistance is available through U.S.-funded projects, multinational assistance, and umbrella NGO organizations. However, it has been slow to begin.

Many NGOs, particularly those without prior experience working with the El Salvadoran government or AID, are generally unfamiliar with U.S. requirements for management control. Also, because many NGOs that worked in the conflictive zones during the war provided largely emergency-type assistance, they have little or no experience preparing proposals with project strategies, objectives, approach, methodology, and realistic cost estimates.

Some efforts have been made to improve NGO administrative and technical capabilities; however, they have yet to produce significant tangible results. The government began developing a manual for NGOs in August 1992, describing the requirements and procedures for reconstruction funding, but as of January 1993, the manual had not been distributed to NGOs. Further, according to a U.S.-based NGO, the manual is too technical for NGOs seeking government funds for the first time. Another project implemented by the U.S.-based NGO Private Agencies Collaborating Together (PACT) has not made much progress until recently. In June 1992, PACT planned to assist 40 NGOs and NGO coordinating councils during their first year. However, because it took from July to November 1992 for the government to approve the PACT project, few NGOs have received this training until recently. PACT did

initiate contact with NGOs and assessed their capabilities during the 4-1/2 month approval period, but did not begin formal assistance until November. By February 1993, however, PACT had begun providing varying levels of assistance to about 39 NGOs, 21 of which are formerly affiliated with the FMLN.

Other entities have provided some help to NGOs. The U.S.-based Catholic Relief Services is implementing a credit project through subgrants with 19 Salvadoran-based NGOs. Even though Catholic Relief Services is financially responsible for funds administered by the 19 NGOs, it provides these NGOs with on-the-job training in project administration and implementation. A similar umbrella arrangement through the United Nations Development Program is helping five NGOs--two formerly affiliated with the FMLN--develop project planning and management capabilities. The NGO council CIPHES, in conjunction with a local university and United Nations Development Program, has instructed NGOs on how to prepare, evaluate, and manage projects. Between September and December 1992, 37 representatives from NGOs attended the course.

MUNICIPALITIES IN ACTION PROGRAM

The MEA program is the main program used to provide assistance and promote democratic processes at the local level. However, because of its counter-insurgency role during the war, its use to deliver post-war assistance has been viewed by some with

suspicion and distrust. Further, critics have said that it fails to encourage democratic processes and is ineffective as a delivery system. However, officials and residents in communities served by MEA told us it is meeting its objectives.

MEA Is a Primary Means to Deliver Assistance to Communities

MEA was chosen by the government as a primary means to deliver post-war assistance in the former conflictive areas because it (1) was already in place, (2) had demonstrated an ability to get things done, and (3) allowed for a participatory, decentralized approach to delivering assistance. Open town meetings are held to provide a forum for residents to discuss community needs. The mayor and the municipal council then rank those needs and request appropriate funding. Between February and December 1992, 1,066 projects, valued at \$11.3 million, were implemented through MEA in the 115 municipalities targeted by the National Reconstruction Plan.

In December 1992, we attended three town meetings and held extensive discussions in another 15 municipalities with mayors of various political parties, municipal council members, and citizens and representatives of the church, local grass-roots organizations, NGOs, and the FMLN. We found that they viewed MEA favorably as a means of delivering assistance and promoting

democratic processes. No one we spoke with said or implied that MEA carried a negative image from its past counter-insurgency role.

MEA Considered Democratic and Efficient Program

Some critics have said the MEA program denies residents full participation in the process and is inefficient. Criticisms include the following: (1) people do not have full opportunity to be heard at open town meetings, (2) residents should be allowed an opportunity to prioritize projects and choose which ones to seek funding for, (3) project oversight is limited, and (4) the MEA process is inefficient and results in delays in project completion or incomplete projects.

As mentioned earlier, we met with mayors, FMLN officials, and others at 18 municipalities and attended three open town meetings. We learned that the process of allowing for full citizen participation is maturing, and most people we talked with praised the program and told us that it was working. Further, we believe the program has mechanisms in place to provide for full citizen participation. We asked officials and residents about each of the above mentioned criticisms. Very few complained about lack of opportunities to voice opinions, make decisions, or oversee the projects. Local FMLN officials, the most severe critics of the MEA process in the early period, told us that

their organizations have largely accepted the participatory mechanisms of MEA, and, in some areas, are undertaking activities to further develop and strengthen the mechanisms.

With regard to complaints that the MEA process has led to incomplete projects and inordinate delays in project implementation, community officials and residents we spoke with were proud of the project completion rate under MEA. In the 18 municipalities we visited in mid-December 1992, 143 projects had been completed over the past 10 months or were underway at the time of our visit. Community officials and citizens reported that only six of the projects had experienced problems or delays, but attributed these to unavoidable circumstances outside the control of the community. For example, one road project in Chalatenango, which was cited by critics as a prime example of an incomplete project typical of MEA problems, was delayed due to a strike at a cement factory. The road could not be completed within its budget when the price of cement doubled after the strike. Although the road was 15 meters short of its intended length, the community and municipal government used municipal funds to finish the project. Community officials explained that some projects, such as electrification and water projects, take longer because they require greater coordination and longer planning.

Municipal Development Needs Further Strengthening

According to AID, the MEA program can be strengthened by educating and training mayors and community officials on democratic processes. In addition, gains can be obtained through greater education of residents of the MEA process. However, AID is most concerned about the program's fiscal sustainability. According to AID, the tax base varies considerably between municipalities, but generally revenues generated from local sources have been low. User fees and tariffs have remained unchanged for decades, despite significant increases in the cost of services, and municipalities do not have a property tax, which could be a principal source of revenue.

Although municipalities are beginning to adjust their fees and service charges to recover a greater portion of the cost of the service, the revenues will be inadequate to finance expanded local government services. As of December 1992, AID was finalizing the details of a new municipal development project that will address these issues.

LAND REDISTRIBUTION PROBLEMS

Let me turn now to the problems associated with land redistribution. As mentioned earlier, the land redistribution program is severely underfunded. In addition, the government has

been slow in transferring land to recipients, the recapitalization of the Land Bank from loan repayments is doubtful, and insufficient agricultural credit is available to farmers receiving land.

Expectations and Results

Redistributing land to 47,500 ex-combatants and others is a critical aspect of reconstruction. Yet, land transfers are behind schedule, and few have received land. About 15,000 beneficiaries were to have received land by January 1993, but as of mid-February 1993, only about 3,800 beneficiaries had actually received land. About 179,000 acres are available to be transferred, which would provide land for at least another 20,000 beneficiaries.

Several factors have contributed to delays in land redistribution. The government and the FMLN did not agree on the basic details of land transfer until the United Nations brokered an acceptable land agreement in October 1992, 9 months after the Peace Agreement was signed. Even after the agreement was signed, negotiations over the quality of land to be provided to FMLN beneficiaries continued. Also, the FMLN is required to identify potential properties and provide the government with lists of beneficiaries but this has not been completed. The FMLN told us it lacks the technical capability and resources to complete its

identification of land and beneficiaries, and as far as we know, there are no plans to help the FMLN in this area.

Loan Repayments Doubtful

The Land Bank, established in 1991, is intended not only to help in the reconstruction, but also to become a permanent government institution. This means that the Land Bank must be recapitalized from loan repayments from land beneficiaries. However, most officials agree that land recipients probably will not be able to repay their loans. Both the loan terms and technical factors contribute to this problem.

The terms of the Peace Agreement call for loans to be provided at 6 percent over 30 years, with a 4-year floating grace period. Agricultural experts we spoke with indicated that most farmers will probably use the first 4 years of their loan as the grace period, which means the Land Bank will not be able to recapitalize. They added that the ability of the farmers to repay their loans is further hindered because of inadequate agricultural credit, limited technical assistance, the less than ideal quality of the land provided, and the farmers' unwillingness to grow nontraditional crops, such as garlic and melons, that produce income.

Agricultural Credit Inadequate

Agricultural credit provided by the government might help farmers sustain themselves and give them the ability to repay the Land Bank. Experts predict that the current informal system of agricultural credit, which includes personal loans from friends and family, will not sustain agriculture in the 1990s.

The United States provided agricultural credit of about \$111 per acre to about 8,000 families through the Catholic Relief Services. Although considered a successful program by U.S. officials, it satisfies only a small part of agricultural credit needs, since that is a minimal level of credit, according to agricultural experts. AID estimates that between \$170 and \$615 in credit is needed for each acre, depending on the type of crop grown. Using AID data, we estimate that between \$71 and \$255 million is needed to provide agricultural credit to the 47,500 land beneficiaries.⁷ This estimate does not include credit needed by other farmers in the former conflictive areas who did not receive land through the land redistribution program. To date, however, only about \$34 million from all sources, including \$32 million from the United States, has been committed

⁷This estimate is a mathematical calculation based on 47,500 beneficiaries each receiving 8.75 acres of land. The amount and quality of land provided and the beneficiary's financial condition would affect the amount of credit needed.

specifically for farmers in the areas targeted by the National Reconstruction Plan.

We do not know if additional international donors are prepared to make commitments to assist the government in funding this requirement. We were told that private banks are unlikely to respond to the needs of the farmers, and government banks do not have the resources. The government hopes the European Community, the United Nations, and others will contribute funds for agriculture credit, but U.S. officials are not optimistic that these sources will provide sufficient funds.

Mr. Chairman, this completes my prepared statement. I will be happy to answer questions from the subcommittee.



CHURCH WORLD SERVICE/LUTHERAN WORLD RELIEF



Office on Development Policy • 110 Maryland Ave. N.E. • Building Mailbox #45 • Washington, D.C. 20002-5694 • 202 543-6336

EMBARGOED UNTIL DELIVERED

PREPARED STATEMENT OF CHERYL MORDEN
 ASSOCIATE DIRECTOR FOR DEVELOPMENT POLICY
 CHURCH WORLD SERVICE AND LUTHERAN WORLD RELIEF
before the
Subcommittee on Western Hemisphere Affairs
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC

March 23, 1993

PEACE-BUILDING IN EL SALVADOR: AN ASSESSMENT

Mr. Chairman, I thank you for the opportunity to appear before the Committee. I also want to express appreciation for these hearings on the situation in El Salvador. The success of the peace process continues to rest heavily on the interest and vigilance of the international community, including the U.S. Congress.

Church World Service¹ and Lutheran World Relief² have long-standing relationships with Salvadoran church and ecumenical organizations as well as with a number of non-governmental organizations. During the war we supported their efforts to assist victims of the violence and to contribute to a negotiated settlement of the conflict.

-
1. Church World Service is a division of the National Council of Churches of Christ in the United States. Church World Service's relief, development and refugee work is carried out in conjunction with local partner agencies in more than 75 countries in Asia, Africa, the Middle East and Latin America.
 2. Lutheran World Relief is the relief and development agency of the Evangelical Lutheran Church in America and the Lutheran Church Missouri Synod. LWR supports more than 170 development projects annually throughout Africa, Asia, the Middle East, and Latin America.

Having shared the suffering of our colleagues during the long years of war, we shared their boundless joy at the signing of the peace agreements on January 16, 1992. In the ensuing months we have shared the exhilaration, frustration, optimism, and pain that has come with the end of the war. Hope for the future has been the underpinning of events of the past year.

El Salvador today is teeming with activity as the people throw themselves into the task of restoring the damage of the war, addressing the war's social deficit, and building for a better future. The new construction offers visible evidence of progress. There has been progress as well in other, less visible areas, but this has gone much more slowly and serious problems and challenges remain. These problems are likely to intensify in the period leading to next year's elections.

The economic recovery and development dimensions of the post-conflict situation rarely appear in the headlines as do other elements of the peace process. They are, however, both intimately linked to the broader peace process and critically important to the establishment of a firm and lasting peace. The question of land ownership and credit, for example, is one of the most volatile issues in the peace process. The process of land transfer and provision of credit has gone very slowly, for a variety of reasons. While this issue falls beyond the scope of this testimony, I urge this Committee to investigate and monitor this complex and difficult issue, which has the potential to disrupt seriously the peace process.

My testimony will discuss progress in the peace-building process related to social and economic recovery and development, specific activities of non-governmental development organizations, and continuing concerns and recommendations regarding U.S. policy in this area.

PROGRESS IN PEACE-BUILDING RELATED TO ECONOMIC RECOVERY

The UN Assumes a More Key Role

The National Reconstruction Plan presented to the donor community at last year's World Bank Consultative Group meeting focused primarily on "helping to create the necessary conditions to reintegrate socially and economically those most affected by the conflict." While this is certainly an essential ingredient of post-conflict recovery it is a narrower focus than the *post-conflict peace-building* advocated by UN Secretary General Boutros-Ghali. Peace-building seeks to bolster those processes and activities that consolidate the achievements of peacemaking and peacekeeping to prevent a recurrence of conflict. The Secretary General argues that "only sustained, cooperative work to deal with underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation."³

3. Boutros-Ghali, Boutros. "An Agenda for Peace: Preventative Diplomacy, Peacemaking and Peacekeeping." New York, United Nations. January 31, 1992.

During the past year, as the UN Observer Mission in El Salvador (ONUSAL) and the UN Development Programme (UNDP) have become involved in mediating and implementing key elements of the peace process related to economic and social recovery and rehabilitation, these activities have been framed within the broader task of peace-building. This includes an emphasis on "reforming or strengthening governmental institutions and promoting formal and informal processes of political participation."⁴

Three efforts in particular have earned credibility for ONUSAL and UNDP in this area:

- 1.) the program of emergency assistance for demobilized FMLN combatants;
- 2.) the program for productive reintegration of FMLN ex-combatants into national life;
- 3.) negotiations for the reestablishment of municipal authority in former conflict zones.

The UN responded to the exigencies of each of these situations with a pragmatic, flexible approach based on dialogue and participation. For example, in the case of the program of emergency assistance to demobilized FMLN combatants, ONUSAL and UNDP were prevailed upon to step in when it became clear that the peace accords did not include any specific provisions for such assistance. The UNDP involved the FMLN, the Government of El Salvador, various non-governmental organizations (NGOs), and other UN agencies in designing the assistance program. It then established a Coordinating Committee of these same entities that met at least weekly. The Committee discussed implementation problems, and served as a forum to resolve disputes among the parties. UNDP has formed similar working committees to address especially difficult issues related to the reintegration of FMLN ex-combatants, such as land tenancy, housing, and credit.

Both UNDP and the FMLN consider the program to assist the demobilized a success, notwithstanding a variety of problems encountered. In the view of UNDP, broad participation was critical to success:

"The genuine participation in the implementation of the Programme by the beneficiaries themselves, by the popular organizations and NGOs already working in the ex-conflict zones and by national authorities such as the Ministries of Education and Health was the deciding factor in ensuring that the Programme responded to the specific and varying needs of the ex-combatants and in paving the way for longer-term attention to the ex-combatants and their communities."⁵

4. *ibid.*

5. United Nations Development Programme. "Final Progress Report: Emergency Programme for Persons in Process of Demobilization in El Salvador." United Nations Regional Bureau for Latin America and the Caribbean, February 1993.

The dialogue and participation that contributed to the success of these efforts has helped to established a climate more conducive to further dialogue and has encouraged efforts to normalize relations among previously estranged sectors of Salvadoran society. While this is perhaps one of the most important accomplishments of the past year, the circumstances under which the recent amnesty law was approved demonstrate the fragility of this process and are surely a setback for further reconciliation.

Institutional Reform Can Benefit from a Variety of Programs

A critical task of peace-building is the reform of institutions--both governmental and non-governmental--whose operations have been defined by the logic of war. This issue surfaced initially in El Salvador when the government chose to create a Secretariat for National Reconstruction (SRN) from the existing CONARA (National Commission for the Restoration of Areas). Objections to the transfer of CONARA to the SRN were based on the agency's earlier involvement in counterinsurgency programs and the belief that such a history would limit its ability to contribute to necessary reconciliation. The government nevertheless opted for this course, arguing that "spreading limited human resources too thinly or experimenting with new mechanisms is likely to be counterproductive."⁶

In fact, during the year several major new programs have been initiated that will provide an opportunity to experiment with new mechanisms. The International Fund for Agricultural Development has launched a \$37.5 million, six year agricultural development pilot project in Chalatenango. The project, which will involve all of the relevant governmental and non-governmental organizations as well as beneficiaries, will focus on training and capacity building of campesino organizations, economically sustainable production methods, recovery and management of natural resources, support for rural women--all within the context of overall departmental development.

The IFAD project establishes mechanisms at each level, from local to national, for broad participation in program design, management, and evaluation. In addition, NGOs with experience working in Chalatenango will have specific roles in program implementation. The Government, the FMLN, and NGOs working in Chalatenango already have signed a Memo of Understanding concerning the project.

This and other new programs will make it possible to evaluate a variety of institutional arrangements and program approaches. The lessons from these differing methods and institutional configurations should make a useful contribution toward determining the most effective approach to sustainable development and genuine democracy in El Salvador.

6. The Republic of El Salvador. "National Reconstruction Plan: Report to the Consultative Group." Ministry of Planning and Coordination of Economic and Social Development, March 23, 1992, p. 9.

PEACE-BUILDING AND NON-GOVERNMENTAL ORGANIZATIONS

The Debate Over Participation

Non-governmental and popular organizations as well as other expressions of civil society (trade unions, cooperatives, etc.) are critically important in the process of peace-building. These organizations serve as vehicles by which various sectors of Salvadoran society are able to articulate and address their pressing economic, social, and political needs. They are the gateway to the indispensable knowledge and productive energy of the intended beneficiaries of development.

The early months of the post-war period included a heated debate over the role of non-governmental organizations in economic recovery and rehabilitation activities. Many of the NGOs with experience working in the former conflict zones sought an institutionalized role in the formulation of an overall strategy for recovery and rehabilitation that would lay the groundwork for more equitable long-term development. The government viewed the NGOs primarily as non-bureaucratic, inexpensive social service providers with limited program capacity and serious managerial and fiscal accountability weaknesses.

Over the past year, non-governmental and popular organizations have won a broader role in decision-making on a limited basis in a number of ways including:

- participation in municipal reconstruction committees formed as part of the ONUSAL-brokered agreement on the reestablishment of municipal authority;
- inclusion of local NGOs and community organizations in the open town meetings of the Municipalities in Action program;
- participation in the emergency assistance programs for demobilized FMLN combatants;
- participatory mechanisms of the IFAD-sponsored agricultural development project in Chalatenango.

The Government agreed to these participatory mechanisms in response to the initiative and--in some cases--considerable pressure from international sources. These mechanisms offer the possibility of genuine empowerment and deepening democracy, with all of the political unpredictability that comes with genuine democracy. Whether these mechanisms will be consolidated and others created and recognized represents a test of the commitment of the government and its international supporters to the flowering of full-fledged democracy in El Salvador.

NGO-Activities in the Post-Conflict Period

The gravity of the needs of the affected populations, the expectations created at the local level by the peace agreements, and the dynamics created by the upcoming national and local elections have compelled many of the non-governmental organizations to seek accommodation with the government and to begin to negotiate terms for the use of official funds. Three

of the five NGOs of the Concertacion⁷ are negotiating or have signed agreements with the SRN. In several cases a third party (such as AID or the World Food Programme) has also been involved in negotiating the agreement.

Non-governmental organizations have undertaken a variety of economic recovery and rehabilitation programs using funds from European, Nordic, and Canadian governments, sometimes through NGOs from those countries and sometimes directly from the governments. The NGOs have also been contracted by the UN Development Programme to conduct needs assessments in the former conflict zones. Some NGOs are implementing projects intended to foster reconciliation and consensus building at the local level.

These groups are also engaged in a number of organizational changes intended to equip them for the post-war peace-building period and for efforts to build a more equitable future for their country. Among these changes are:

- a heavy emphasis on training and capacity building, for which they are receiving significant support from international NGOs with whom they have worked in the past;
- greater operational collaboration and strategic coordination among NGOs, a tendency toward specialization, and efforts to agree on an appropriate division of labor between non-governmental and popular organizations;
- development of new methodologies that emphasize self-help and discourage attitudes of passivity and expectations of hand-outs;
- efforts to articulate new organizational models, and new development strategies both on the macro- and the micro- levels.

A serious unresolved problem concerns the failure of the government to grant legal status to a number of non-governmental organizations whose petition has been pending for some time. ONUSAL has intervened on behalf of one organization, but without positive results to date. Failure to receive legal status will impede efforts by these groups to secure funds from official sources.

CONTINUING CONCERNS AND RECOMMENDATION

Relations Between Government and NGOs

Has the post-conflict peace-building in El Salvador produced "sustained cooperative work to deal with underlying economic, social, cultural and humanitarian problems?" While some degree of cooperation has been achieved, much more is needed. One cannot conclude, despite some progress, that the SRN and the broad range of NGOs have established a

7. La Concertacion de Organizaciones No Gubernamentales que Trabajan Con Refugiados, Retornados y Desplazados en El Salvador. Its members include FASTRAS, ASDI, CORDES, FUNSALPRODECE, and REDES.

working relationship based on mutual recognition of appropriate division of labor between governmental and non-governmental organizations. The establishment of such a relationship needs to be given a significantly high priority within the Secretariat for National Reconstruction.

The Salvadoran non-governmental and popular organizations, including those who have worked in the NRP target areas, are willing and able to make important contributions to the economic recovery and rehabilitation of their country. Their ability to relate to and articulate the needs of the intended beneficiaries is key to developing and implementing effective, sustainable programs.

The lack of familiarity with non-governmental and popular organizations on the part of the SRN (as well as on the part of AID and the General Accounting Office) combined with the overriding emphasis that has been placed on NGO ability to meet fiscal accountability requirements has impeded movement toward the establishment of a productive working relationship between the broad spectrum of non-governmental organizations and the government.⁸ In addition, the government seems to have placed a priority during the contingency phase of channelling funds for infrastructure projects through municipal governments. Such projects represent 70 percent of the funds disbursed for this phase, as of January 1993 (excluding funds for reintegration of ex-combatants).

Other donors agencies have developed methods for working with the NGOs in social and economic peace-building activities, even as they seek to help them develop further their operational and managerial capacity. These agencies recognize and respect the private and independent nature of non-governmental and popular organizations and their pivotal role in development.

The challenge of normalizing relations is made more difficult in the climate leading to the 1994 elections. It is important that donors be cognizant of the potential political impact of their contributions and make whatever adjustments may be necessary to ensure to the maximum extent possible non-partisanship in their assistance.

The Continuing Debate Over Participation

The need to establish the basis for equitable, sustainable development dictates not only that the government and NGOs establish a constructive working relation, but that the broader question of popular participation be revisited. The issue has been set aside in recent months

8. This lack of understanding is demonstrated by the list of 45 "NGOs" receiving funds from the SRN, which has been cited by AID and GAO. This list fails to distinguish among community associations, cooperatives, development and human promotion NGOs, labor organizations, the Chamber of Commerce, private training institutions, and national affiliates of US organizations.

as energies have shifted to serving the immediate needs of the population and to experimenting with more participatory mechanisms at the local level.

International donors, both governmental and non-governmental, can help to initiate greater understanding about this issue within El Salvador. Specifically, they can reinforce their support for civil society by emphasizing that sustainability of development projects is linked in large measure to broad participation in planning, implementation, and evaluation. Some of the most important progress in this regard in Central America has been accomplished through the CIREFCA process (International Conference on Central American Refugees). One of the most important elements of the CIREFCA process has been the expectation that national governments and national NGOs would reach consensus on proposed assistance programs.

USAID's approach to popular participation in El Salvador has focused largely on the Municipalities in Action (MEA) Program. It is important, as part of AID's contribution to post-conflict peace-building, both to evaluate MEA and to move beyond MEA to a more thorough review of AID methodology. Important lessons concerning AID and participation could be learned from the experience of the Development Fund for Africa as well as from other international development agencies that are seeking to adopt a more participatory approach⁹.

Need for Monitoring and Evaluation

Finally, the peace-building process in El Salvador deserves careful monitoring and evaluation both to assure that the resources coming into the country are being used effectively for programs that are sustainable, as well as to preserve the lessons of this experience that may be useful to other post-conflict situations.

Recommendations

In conclusion, I would offer the following specific recommendations:

1. U.S. economic aid to El Salvador should be conditioned on full compliance with the provisions of the peace accords.

9. Recently the UN Development Programme, for example, met for two days with Central American NGOs from the Regional Association on Forced Migration (ARMIF) as well as other NGOs to discuss UNDP involvement in human development and the possibility of future cooperation and collaboration between UNDP and NGOs.

See also, AID. "Local Participation in the Design and Implementation of DFA Programs: Some Lessons From the Field." Washington: AID Bureau for Africa, November 1992.

2. USAID should undertake an evaluation this year of the Municipalities in Action Program involving evaluators well-versed in issues of popular participation, as well as representatives of Salvadoran and US NGOs.
3. The U.S. should configure its assistance during the coming year in a way that minimizes its partisan political impact. In particular, if the SRN is unable to channel significantly more funds for social development and production through NGOs to the priority target areas, then the US should reduce its contribution and seek others channels that are likely to be more successful in this regard.
4. The U.S. should identify and implement mechanisms to involve local NGOs in AID programs, including making more use of local or regional resources for consulting, technical assistance, training, and capacity building within AID-funded programs.
5. The U.S. should advocate with the Salvadoran government on behalf of Salvadoran NGOs awaiting approval of their legal status.
6. AID should contract with an agency with demonstrated experience in the area of popular participation to establish in El Salvador a Learning Group on Popular Participation comprised of representatives from AID, the Salvadoran government, national non-governmental and popular organizations, US PVOs and perhaps others. The task of the group would be to try to reach some minimum consensus about what is meant by popular participation, to review AID programs and projects in light of this consensus, and to make recommendations concerning steps AID could take to adopt a more participatory approach to development.
7. The US delegation to the April 1 World Bank Consultative Group meeting on El Salvador should support the suggestion made at last year's meeting that the Bank establish a monitoring mechanism to assess the impact of the National Reconstruction Plan.

Mr. Chairman, I do believe that El Salvador has lessons to teach the world. The final success of the peace process will be measured by the degree to which the peace accords and subsequent peace-building efforts create the possibility of greater equity and well-being for the majority of poor Salvadorans.

UNITED NATIONS



NACIONES UNIDAS

Commission on the Truth

SUMMARY

Introduction

The Commission on the Truth (herein "Truth Commission") was so named because its very purpose and function have been to seek, find and make public the truth about the acts of violence committed by both sides in El Salvador during a civil war in which more than 75,000 Salvadorans were killed. This report attempts to set out, with detailed examples based on extensive testimony and investigation, responsibility for some of the worst and most widespread violations of human rights in El Salvador between 1980 and July 1991.

Peace is always made by those who have fought the war. With the support of the United Nations, the parties in conflict explicitly established this Commission and gave it its mandate under the peace accord. In so acting, the government of El Salvador and the guerrillas of the Farabundo Marti National Liberation Front (FMLN) abandoned fratricide and embraced the principle that the responsibility for acts of violence must be publicly recognized, that victims must be remembered and that the perpetrators must be identified.

This report is based also on the principle that individuals, even those caught up in the fury of civil war and the orders of superiors, are accountable for their actions. By committing themselves to remember the tragic violence of their recent past and by calling for accountability in their new national quest for peace, the Salvadoran people and their leaders have set a standard that offers hope in a world ravaged daily by newly terrible civil wars and gross abuses of human rights.

For their vision and their courage in embracing these ends, the government, the former guerrillas and the people of El Salvador deserve the praise and respect of the international community. The members of the Truth Commission believe that El Salvador's commitment to face the past will go far to strengthen the determination to find out the truth, to put an end to impunity and cover-up, and to encourage reconciliation by means of democratic processes instead of violence.

Bitter though the truth may prove to be in some cases, recognizing what happened in El Salvador is the first essential step to assuring that it will not happen again. For more than a decade a convulsion of violence seized El Salvador. The army, security forces and death squads linked to them committed massacres, sometimes of hundreds of people at a time. They also carried out targeted assassinations of many others, including the country's archbishop and six Jesuit priests.

The FMLN guerrillas also followed a logic of violence that led to grave human rights violations. They killed, kidnapped and disappeared civilians, dissidents within the rebel movement, public officials, mayors, judges and unarmed U.S. military

personnel.

This outburst of violence has deep roots in a history of violence in El Salvador that permitted political opponents to be defined as enemies to be eliminated. A mentality of violence affected all sides in the war. It was reinforced by the lack of a credible judicial system. Such hatred, killing and acceptance of injustice must never again be allowed in El Salvador to destroy dialogue, tolerance, and reconciliation.

Truth alone, however, is not enough to attain the further goal of national reconciliation and reuniting the Salvadoran family. Forgiveness also is indispensable. The abuses and the pain inflicted on tens of thousands of people in El Salvador will not and should not be forgotten. It is the Commission's hope that the sense of justice that truth gives voice to, will in time help them to forgive.

By accepting the challenge of truth and of peace, the government and the former guerrillas in El Salvador have assumed a special responsibility. Salvadoran society-- a society of sacrifice and hope-- is watching them from the vantage point of history. The future of the nation summons them, a nation which is moving forward under the influence of one dominant idea: to lift itself out of the ruins in order to hold high, like a banner, the vision of its future. It is the Commission's hope that a more just El Salvador will arise from the ashes of a war in which all sides were unjust.

The Mandate and Methodology of the Truth Commission

The Commission was composed of three international notables selected by the Secretary General of the United Nations in consultation with the parties: Belisario Betancur, former president of Colombia; Reinaldo Figueredo Planchart, former foreign minister of Venezuela; and Thomas Buergethal, Professor of Law, George Washington University.

The Commission was not established as a judicial body. Instead it was given six months under the terms of the Salvadoran peace accords to carry out four main tasks: to clarify the worst human rights abuses of the war by all sides; to study with special care the impunity with which the Salvadoran military and security forces committed abuses; to make legal, political or administrative recommendations to prevent a repeat of past abuses; and, finally, to stimulate national reconciliation. Both the guerrillas and the government committed themselves to carry out the Commission's recommendations.

In seeking, as mandated, the most thorough accounting possible of human rights abuses in the war, this report names the institutions and those individuals whom the Commission found responsible in the cases it studied.

The Commission received direct testimony from 2000 sources relating to 7000 victims and information from secondary sources relating to more than 18,000 victims. Given this amount of

testimony, the Commission could only deal with a small portion of the thousands of abuses committed in the war. It chose to select a sample of cases that either reflected the most shocking events of the conflict or formed part of a broader, systematic pattern of abuse.

All witnesses who requested it, were guaranteed confidentiality to protect their lives and encourage frankness. Based on the number of corroborating accounts and other evidence in a particular case, the Commission used three levels of certainty in reaching its conclusions: overwhelming evidence, substantial evidence and sufficient evidence. Some cases could not be resolved. The testimony of a single witness or other single source, no matter how compelling, was deemed insufficient to make a judgment if not backed up by other evidence.

Cases Studied

Before addressing specific cases presented in the report, the Commission also provides a chronological overview of the history of violence from 1980 to 1991.

1. The killings of six Jesuit priests
2. Extra-judicial killings:
 - San Francisco Guafoyo
 - Six leaders of the Democratic Revolutionary Front
 - Four American churchwomen
 - El Junquillo
 - Four Dutch journalists
 - Attack on FMLN hospital and execution of a nurse
 - Las Hojas
 - San Sebastian
 - Garcia Arandigoyen
 - FENASTRAS and COMADRES
 - Hector Oqueli
3. Forced Disappearances:
 - Ventura and Mejia
 - Rivas Hernandez
 - Chan Chan and Massi
4. Massacres of peasants by the army:
 - El Mozote
 - Rio Sumpul
 - El Calabozo
5. Death Squad Killings:
 - Archbishop Oscar Arnulfo Romero
 - Mario Zamora
 - Tehuicho
 - Killings of agrarian reform advisers at Sheraton Hotel

6. Violence by the FMLN:

Murder of mayors

Zona Rosa

Herbert Ernesto Anaya Sanabria

Napoleon Romero Garcia (Miguel Castellanos)

Francisco Peccorini Lettona

Attorney General Jose Roberto Garcia Alvarado

Jose Francisco Guerrero

Two American survivors of a helicopter shot down by the FMLN

Kidnapping of Ines Duarte and Villeda

Murder of a judge in Carolina

Summary of conclusions in some of the major cases studied

1. Jesuit Priests:

The Commission found that in November 1989, several members of the Salvadoran Army high command ordered the murder of the Jesuits. Officers at the military academy organized the killings. Elements of the army Atlacatl battalion murdered the six priests, their housekeeper and her young daughter; then attempted to leave evidence falsely implicating the rebel FMLN.

For their part in ordering the killings, the Commission calls for the immediate dismissal and banning forever from military and security duties of Defense Minister, General Rene Emilio Ponce; Vice-Minister General Orlando Zepeda; former vice-minister of public security Col. Inocente Montano; Chief of Staff, General Gilberto Rubio Rubio; former Air Force commander, General Juan Rafael Bustillo; Col. Francisco Elena Fuentes, and Col. Guillermo Alfredo Benavides. For their part in covering-up the killings, the Commission cites Army chief of staff General Gilberto Rubio Rubio; the former commander of the Atlacatl battalion, Col. Oscar Alberto Leon Linares; and the legal adviser to the army high command, Rodolfo Antonio Parker Soto.

2. El Mozote: The Commission finds that the army killed over 200 people in El Mozote, including women and children in 1980. It cites former Atlacatl battalion commander Col. Domingo Monterrosa Barrios; Col. Natividad de Jesus Caceres Cabrera, a major at the time of the massacre. The Commission also cites Supreme Court President Mauricio Gutierrez Castro for improper interference in the judicial proceedings concerning the investigation of the massacre.

3. Archbishop Oscar Arnulfo Romero: The Commission finds that Major Roberto D'Aubuisson ordered the assassination of the Archbishop and that Army Capt. Eduardo Avila and former Capt. Alvaro Saravia, as well as Fernando Sagrera played an active role in the assassination. The Commission further finds that the Supreme Court of El Salvador played an active role in impeding the extradition from the United States of Capt. Saravia.

4. Assassinations of Mayors by the FMLN: The Commission finds

that the General Command of the FMLN approved the killing of civilian mayors and that the People's Revolutionary Army (ERP) of the FMLN was responsible for the killing of at least eleven mayors. The Commission cites ERP commandantes Joaquin Villalobos, Ana Guadalupe Martinez, Mercedes del Carmen Letona, Jorge Melendez, and Marisol Galindo for having responsibility for the executions.

Recommendations

The Truth Commission concluded its report with wide-ranging recommendations aimed at removing human rights violators from public offices, reforming the justice system and the Armed Forces, as well as to promote human rights, democracy, the rule of law and national reconciliation.

I. Those cited for human rights abuses in the report

The Commission recommends that those individuals it found to be responsible for serious abuses of human rights who today hold public or military office should be removed immediately. They should also not have access to public office, or a public role, in El Salvador for at least 10 years. They should also be prohibited from ever holding any military or security responsibility.

Based on its investigation, the Commission calls for the removal from the Salvadoran armed forces or from any other public office of more than 40 military personnel. They include Minister of Defense General Rene Emilio Ponce; Vice-Minister, General Orlando Zepeda; Chief of Staff Gen. Gilberto Rubio Rubio, former Air Force commander, General Juan Rafael Bustillo; former vice-minister for public security, Col. Inocente Montano; Col. Francisco Elena Fuentes and former commander of the Atlacatl battalion, Col. Oscar Alberto Leon Linares, among others. All of the above officers are cited for their role in either ordering or concealing the murder of six Jesuit priests, along with their housekeeper and her daughter. Former National Guard commander, General Eugenio Vides Casanova, is cited for playing a role in the cover-up of the murders of four American religious workers.

The Commission also recommends that former rebel FMLN leaders be barred from holding public office for a decade. They include the commandantes Joaquin Villalobos, Ana Guadalupe Martinez, and Jorge Melendez, among others. They are cited as the commanders responsible for the murders of more than 11 civilian mayors.

The Commission also lists Captain Alvaro Saravia and Captain Eduardo Avila for the murder of Archbishop Oscar Arnulfo Romero. Avila is also cited, along with Lt. Rodolfo Isidro Lopez Sibrián and Major Mario Denis Moran as being responsible for either

ordering or concealing the killings of three agrarian reform advisers at the Sheraton hotel.

The Commission cites some former military officers who are now deceased, but who played a major role in the civil war. They include former Major Roberto D'Aubuisson, who is cited for organizing death squads and ordering the murder of Archbishop Romero. Also cited is deceased Col. Domingo Monterrosa Barrios, for being the commander in charge of the massacre at El Mozote.

The Commission cites civilian participants in human rights abuses. Among these is Fernando (El Negro) Sagrera, for helping plan the murder of Archbishop Romero and Hans Christ for assisting in the killing of three agrarian reform experts at the Sheraton hotel. Rodolfo Antonio Parker Soto, former legal adviser to the Army high command, is cited for helping conceal the role of senior officers in the killing of the six Jesuit priests. Hector Antonio Regalado, the former head of security for Roberto D'Aubuisson, is cited for organizing and managing death squads.

The president of the Supreme Court, Dr. Mauricio Gutierrez Castro is cited for improper interference in the legal investigation of the massacre of El Mozote.

II. The FMLN

In broad terms, the Commission finds the FMLN responsible for having committed "grave acts of violence" including assassinations, disappearances and kidnappings during the war that violated human rights and humanitarian law. The Commission received more than 300 denunciations of grave violations by the FMLN, including nearly 400 killings and over 300 disappearances.

The Commission calls on the FMLN to renounce forever all forms of violence in the pursuit of political ends.

III. The Armed Forces

The vast majority of abuses studied by the Commission were committed by members of the armed forces or groups allied to them. In order to promote the urgent need in El Salvador to professionalize the military, bring it under civilian control and instill it with a respect for human rights, the Commission makes the following recommendations:

- 1) Immediate removal from the military of all officers cited for human rights and other major violations.
- 2) Steps to assure civilian control of military promotions, the military budget and all intelligence services.
- 3) A new, legally backed, provision permitting military personnel to refuse to obey unlawful orders.
- 4) Steps to cut all ties between the military and private armed groups or other paramilitary groups.
- 5) The profound study of human rights at the military academy and in other officer training courses.

IV. Death Squads

The Commission finds that death squads, often operated by the military and supported by powerful businessmen, land-owners and some leading politicians, have long acted in El Salvador and remain a potential menace. The Commission received testimony on more than 800 victims of death squads.

This problem is so serious that the Commission calls for a special investigation of death squads in order to reveal and then put an end to such activity. The Commission is especially concerned by the close relation between the military, hired assassins and extremists within the Salvadoran business community and some affluent families, who resorted to killing to settle disputes. This practice must end.

The Commission also is concerned that Salvadoran exiles living in Miami helped administer death squad activities between 1980 and 1983, with apparently little attention from the U.S. government. Such use of American territory for acts of terrorism abroad should be investigated and never allowed to be repeated.

V. The Justice System

The Commission finds that the system of justice in El Salvador is highly deficient. It makes several recommendations to address this profound problem that permitted the abuse of human rights in El Salvador.

- 1) The report calls for the immediate implementation of constitutional reforms requiring the turnover of the present members of the Supreme Court. In particular, the president of the court, Dr. Mauricio Gutierrez Castro, is cited for unprofessional conduct.

- 2) Bring about a true separation of powers between the executive, legislature and the judiciary in order to depoliticize the administration of justice and in particular the Supreme Court in El Salvador.

- 3) The power of the head of the Supreme Court and its centralized power over the rest of the judiciary should be reduced.

- 4) The report calls for the already created Independent Judicial Council to be made truly independent, so that it can oversee the functioning of the judicial system. This group will review the professional capacity of all serving judges. This group should be given the power to appoint or remove judges, taking that power away from the Supreme Court.

- 5) Judges should be provided adequate salaries.

- 6) Extra-judicial confessions should be prohibited; the right to a lawyer should be strengthened; strict limits should be placed on pre-trial detention; those who can order detentions should be limited and defined; the right of habeas corpus and the presumption of innocence should be strengthened.

- 7) A list should be kept and made public of all detention

centers and all those who are detained in them.

8) The new civilian national police force should be fully supported.

VI. Human Rights

El Salvador needs to fortify awareness of and respect for human rights. The new office of the National Counsel for the Defense of Human Rights should be strengthened and extended to have regional offices in each department of the country. Officials in the human rights office should be allowed access anywhere in the country. The constitution should guarantee human rights. El Salvador should ratify and implement all major human rights accords not already approved by it. The Commission also urges El Salvador to accept the jurisdiction of the Inter-American Court of Human Rights, something all other Central American states have done.

VII. Punishment

The Commission feels justice demands punishment for the violations of human rights. But it is not itself constituted to specify sanctions and recognizes that the present Salvadoran judicial system is incapable of fairly assessing and carrying out punishment. Therefore the Commission feels it cannot recommend judicial proceedings in El Salvador against the persons named in its report until after judicial reforms are carried out.

VIII. National Reconciliation

The Commission believes that justice also demands that the victims of human rights violations by all sides in the war be publicly recognized and be given material compensation. The report lists the names of more than 18,000 victims it received testimony on.

The report calls for a special fund to be established for this purpose. It will be given resources by the government and be supported by a recommendation that one per cent of all foreign aid be directed to the fund. The Commission expresses the hope that the international community will assist the government of El Salvador to carry out this recommendation.

A national monument should be erected, listing the names of all the victims of the war. A national annual holiday should be declared to remember the dead and celebrate reconciliation.

This report should be discussed and analyzed at a national public forum in El Salvador.

The Commission calls on the United Nations to monitor compliance with all recommendations made here, as agreed by the parties to the peace accord.

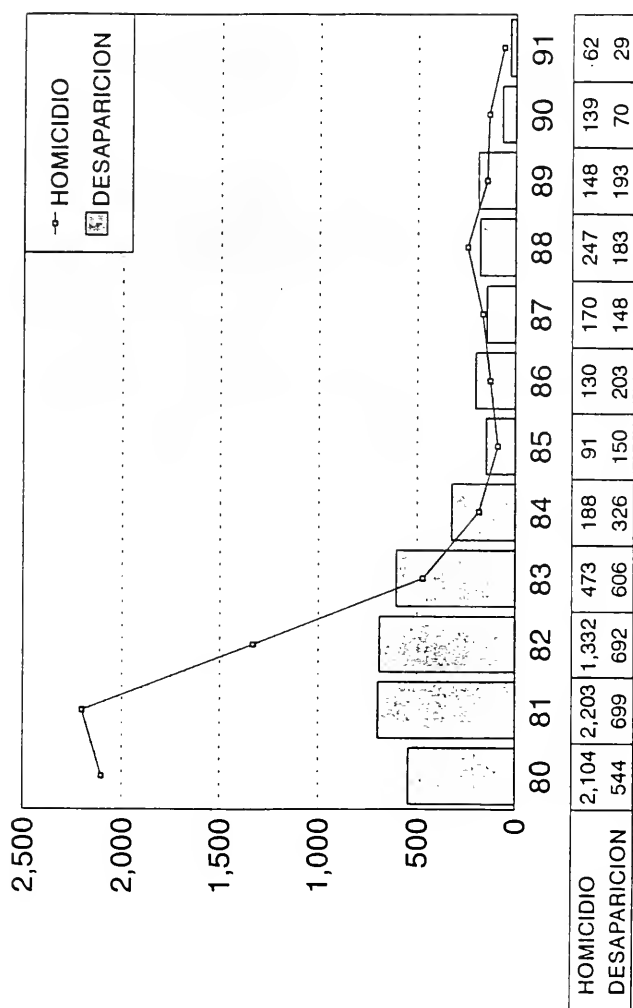
EL SALVADOR'S NATIONAL RECONSTRUCTION PLAN: INDICATIONS OF BILATERAL
AND MULTILATERAL SUPPORT FROM THE MARCH 23, 1992 CONSULTATIVE GROUP MEETING¹

COUNTRY	PLEDGE (Million US\$)	NOTES
Austria	\$ 5.0	Support for various sectors, particularly electric power.
Canada	\$ 4.2	Support contingent on continued progress in peace process and will be provided through community groups and partner organizations.
Columbia	--	No commitment of future funds; possible technical assistance in the future.
Denmark	\$ 0.2	Participating primarily as observer, but provided support in response to U.N. appeal after signing of Peace Accords. Hopes to channel regional funds to El Salvador in future.
Finland	\$ 1.2	Support for repatriation program through CIREFCA, the International Commission for Refugees, and churches.
France	--	Future aid will be provided through European Community, although separate agreement for \$0.6 million in food aid was signed in February 1992.
Germany	\$ 30.8	\$9.3 million is earmarked for technical cooperation, partly for the reintegration of ex-combatants; pledge does not include funds channeled through multilateral organizations or NGOs.
Italy	--	No commitment, but intends to provide future support and continue to support European Community and United Nations Development Program efforts.
Japan	\$ 5.0	Emergency assistance for former conflictive areas, resettlement of refugees, and potable water. Also prepared to make other contributions comparable to those of largest donors.
Mexico	--	Participating as observer, but cited the substantial bilateral support provided to date.
Netherlands	--	Intends to provide future support to be discussed with officials of the El Salvadoran government.
Norway	--	No firm commitment but anticipates contribution to reach \$5 million in 1992 channeled through the United Nations and NGOs.
Portugal	--	Participating as observer; contributions channeled through European Community.
Spain	\$ 5.0	Providing \$4.0 million for U.N. High Commission for Refugees, and \$1.0 million for the civilian police academy, and support through Inter-American Development Bank and European Community.
Sweden	\$ 30.0	Support for 3 year period (\$10 million per year), and support for refugees through CIREFCA and NGOs will continue.
Switzerland	\$ 6.6	No firm commitment but \$6.6 million in balance of payment support under consideration for 1992-1993, and fact-finding mission will be sent to El Salvador.
United Kingdom	--	Will continue support through European Community and may consider small bilateral program in future.
United States	\$ 250.0	Support for 5 year reconstruction program.
Venezuela	--	No commitment but assistance provided in past; looking forward to future cooperation with government of El Salvador.
Central American Bank for Economic Integration (CABEI)	\$ 83.3	\$77 million for 3 turbines, \$3.3 million to support small agricultural producers, \$2.5 million for vocational training and \$0.5 million in emergency aid.

European Community	\$ 63.0	Pledge for 1992, with future amounts determined on the basis of 1992 effort.
Inter-American Development Bank (IDB)	\$ 230.0	New loans under consideration for water and energy projects; another \$220 million from previously approved funds could be redirected to NRP priorities.
International Fund for Agricultural Development (IFAD)	\$ 9.0	Support for agriculture development projects, with possibly another \$10 million to be provided.
United Nations Development Program (UNDP)	\$ 50.0	Support for technical cooperation over 5 years.
World Bank	\$ 50.0 to 100.0	Support for reconstruction priorities over 5 years.
World Food Programme	\$ 8.0	Nutritionally fortified foods for school children and toddlers.
TOTAL	\$ 831.3	The total figure includes the lowest amount in range for World Bank.

¹ This table was compiled from narrative information presented in the Meeting of the Consultative Group for El Salvador, Report of the Proceedings by the Chairman, International Bank for Reconstruction and Development, May 11, 1992.

NUMERO DE HOMICIDIOS Y DESAPARICIONES POR AÑO FUENTE INDIRECTA



Para el año 1991 sólo se considera hasta Julio

GRAFICO 4

EVOLUCION ANUAL DEL NUMERO DE CASOS DENUNCIADOS FUENTE DIRECTA

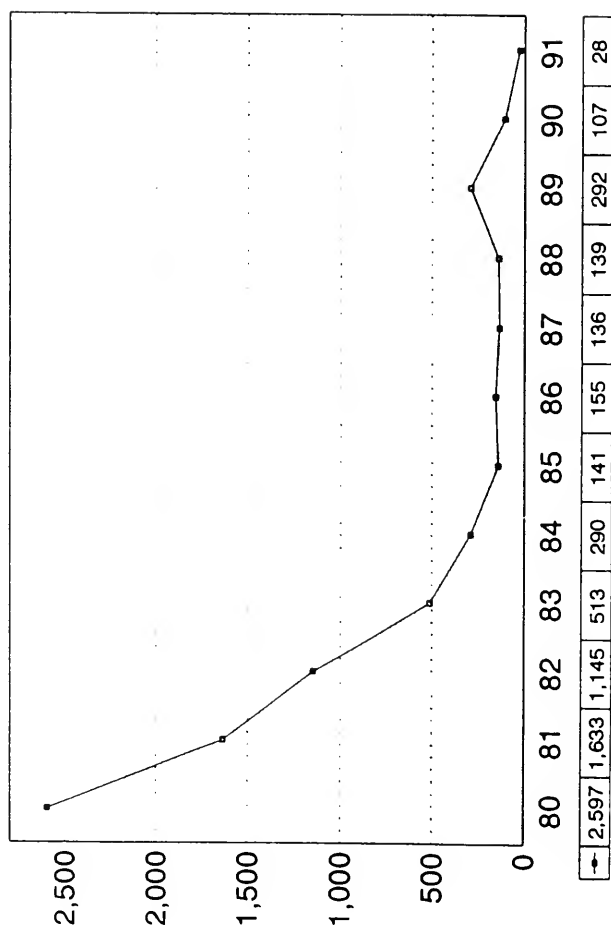
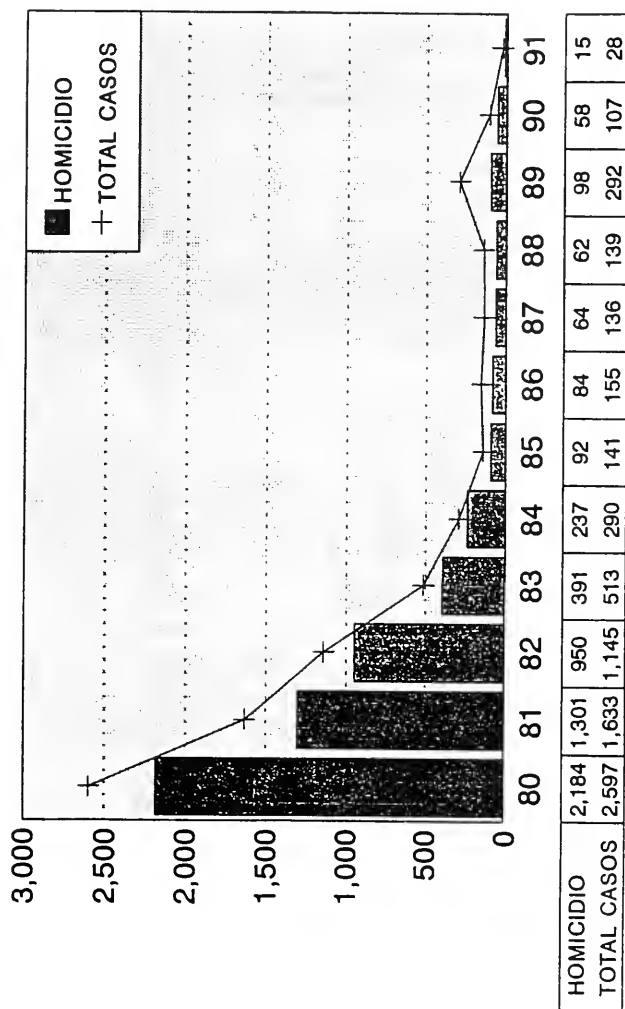


GRAFICO 5

Para 1991 se considera sólo hasta Julio

NUMERO DE HOMICIDIOS DENUNCIADOS POR AÑO FUENTE DIRECTA



Para el año 1991 sólo se considera hasta Julio

GRAFICO 6



3 9999 05982 086 8



MESSAGE TO THE NATION
BY THE PRESIDENT OF THE REPUBLIC
ALFREDO F. CRISTIANI
(March 18, 1993)

People of El Salvador, dear friends of the national and international news media, on Monday the Secretary General of the United Nations released the report of the Truth Commission, the product of seven months of work by three persons appointed by the General Secretariat of the United Nations to study relevant facts that have impacted our society and make a series of recommendations for the purpose of reconciling Salvadoran society and to attempt to prevent, through the dissemination of the truth, the recurrence of these events.

In the first place, the Truth Commission is part of the Agreements signed at Chapultepec on January 16 of last year. Therefore, the Truth Commission and its report must be viewed within the framework of the agreements as an integral part of them. It aids and assists the entire framework of the Chapultepec Agreements, which governs the peace and consolidation process in our country. Therefore, the report must be viewed not as separate from the agreements signed last year nor outside the consensus arrived at within our society after the signing of the Chapultepec Agreements. Constitutional reform was the greatest consensus reached. Our country can now count on a Constitution which is the result of the consensus of all the political forces in the land, including the FMLN. It is also important to remember the goals which the peace accords seek, and view the report of the Truth Commission with these goals in mind. In April of 1990 in Geneva, the Geneva Agreement was signed, setting out clear goals for all of the subsequent accords reached in 1992, and there were three fundamental goals enunciated: the consolidation of democracy, respect for human rights, and reconciliation of Salvadoran society.

Reconciliation is important to enable our country to move forward from the painful pages of our history and commit our energies toward creating a future of welfare, in peace and progress all Salvadorans desire.

In promoting reconciliation, we believe the report of the Truth Commission is not responsive to that fond desire of a majority of the Salvadoran people, which is precisely that: forgiveness and leaving behind all of that so painful past which brought so much suffering to the Salvadoran family.

On the other hand, it is necessary to note that the report of the Truth Commission has extracted, from everything that has taken place during the years of violence in our country a sample of the acts of violence without thereby analyzing the totality. In this regard, we believe it is important to analyze the path we should take when the report only discusses certain cases

and individuals. Of course it is important, then to see what we are going to do as to erase, eliminate, and forget the entire past; thus we do not consider fair to apply certain measures, be they judicial or administrative, to some, when others, whom are discriminated by the simple fact of not being part of this sample analyzed by the Truth Commission. In this regard, we consider this position not from the perspective of judging the guilt of specific individuals, but rather as a real fact that we don't considered convenient to act against just a part of the problem, instead we prefer to find a global solution for everyone.

Now, I would like to read a brief excerpt of the epilogue from the report of the Truth Commission, also to be able to capture the spirit missing within the Commission. The Passages that I'm about to read, are related in one way or another: "The responsibility is inserted in complex antecedents of the history of El Salvador and in a peculiar meeting of universal history; hence, would not be fair to attribute it to this or that one in particular, nor to this or that organization or party in particular". It states later on: "Many of the flaming figures of the war period have also shone during the period of peace: old contradictions and rigidities contrasting with present approximations and coincidences. Old combatants from all sides have embraced and reencountered themselves". And it ends in this special way: "But it is the Salvadorans themselves who must make the fundamental decisions leading to the fullness of peace. The Salvadoran society has the decision making capacity regarding ancient responsibilities and new forfeitures. Granting pardon is in its hands. It is also that society also, shaped by the painful lessons of war, which must settle the cause of new investitures". Therefore, we Salvadorans must ponder about this, because the real answer to our problems must be given by ourselves. Thus, is why we reiterate a call upon all of the forces within our country to support a general and absolute amnesty to pass beyond this painful page in our history and to look for a better future for our country.

To conclude, we want to say to the people of El Salvador that when we signed the peace accords, we made a commitment to comply with them, and in the case of the Truth Commission, the Government of El Salvador agreed to implement its recommendations. In this regard, the Government of El Salvador will comply with its commitment to implement the recommendations of the Truth Commission Report. We will do so, of course, according to the Executive branch attributions and within the framework of the Constitution and the current laws of the Republic. Upon the first global analysis done in the last two days on the entire report, we will now go on to study every single recommendation made by the Truth Commission to seek its compliance within the parameters we have alluded to, always seeking the strengthening of the peace accords and the stability of the same process which we have been developing within our country, which requires not only global stability, but also the stability of old and new institutions which have been created as a result of the peace accords. We believe that we have reached a stage in which we should build together, and this report of the Truth Commission should serve no lesser purpose than to build that El Salvador which all of us want: an El Salvador with peace, progress, and freedom.

Thank you very much and God bless you.

ORIGINAL AND REVISED FUNDING ALLOCATIONS FOR THE
AGENCY FOR INTERNATIONAL DEVELOPMENT'S
5 YEAR PEACE AND RECOVERY PROJECT IN EL SALVADOR

COMPONENT	ORIGINAL ALLOCATION (000)	REVISED ALLOCATION as of 2/4/93 (000)
IMMEDIATE CONFLICTIVE ZONE RELIEF	\$ 4,000	\$ 3,500
EX-COMBATANT ASSISTANCE		
• Starter packages, training, credit, rehabilitation of wounded	0 ^a	44,735
• Land Transfer	0 ^b	20,000 ^c
• Other ex-combatant benefits (scholarships, counseling, etc.)	8,000	15,265
Total for Component	8,000	80,000
SOCIAL AND ECONOMIC REACTIVATION		
• Starter packages, training, credit, rehabilitation of wounded	53,600 ^d	24,800
• Municipalities in Action	82,500	64,820
• Health activities	8,200	8,200
• Education activities	8,200	7,575
• Other social and economic activities	4,500	4,775
Total for Component	157,000	110,170
LAND TRANSFER	15,000	15,330 ^c
INFRASTRUCTURE	56,000	27,000
PROGRAM AUDIT AND MANAGEMENT	10,000	14,000
TOTAL	\$ 250,000 ^a	\$ 250,000 ^a

aIn the original funding allocation, funding for the benefits for ex-combatants was included in the Social and Economic Reactivation component. In the revised allocation, funding for these ex-combatant benefits is included in the Ex-combatant Assistance component and funding for civilian benefit is included in the Social and Economic Reactivation component.

bIn the original funding allocation, funding for ex-combatant land transfers was included in the Land Transfer component. In the revised allocation, funding for ex-combatant land transfers is separated from other land transfer funding.

cThe United States will provide another \$14.9 million for land transfers from funding sources outside the \$250 million in project funds, bringing U.S. contribution for land transfers to \$50.2 million.

dFigure includes funding for benefits for ex-combatants and civilians. AID could not separate amount intended for ex-combatants and civilians in the original allocation.

eIn the original allocation, the total funding for 6 activities for ex-combatants and civilians was \$68.6 million--\$53.6 million for starter packages, vocational training, agricultural and microenterprise credit, and rehabilitation of the wounded included in the Social and Economic Reactivation Component, and \$15.0 million for land transfers in the Land Transfer Component. In the revised allocation, the total for the 6 activities is \$104.8 million--\$44.7 for starter packages, vocational training, agricultural and microenterprise credit, and rehabilitation of the wounded, and \$20.0 million for land transfers included in the Ex-combatant Assistance Component; \$24.8 for starter packages, vocational training, agricultural and microenterprise credit, and rehabilitation of the wounded included in the Social and Economic Reactivation Component; and \$15.3 million for land transfers in the Land Transfer Component.

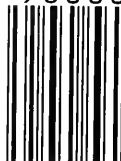


73-936 0 - 94 (132)

ISBN 0-16-043360-6



90000



9 780160 433603

